

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORT STATEMENT
SOUTHEAST REGION PERMIT FAMILY OF FORMS
OMB NUMBER 00648-0205**

1. Explain the circumstances that make the collection of information necessary.

It is extremely important to manage the fisheries in the Southeast because most are fully utilized if not over utilized. A major component of fisheries management in the Region is the permit system. The permit/endorsement system has the following uses:

- a. Registration of actual and/or potential fishing vessels/dealers.
- b. Collection of data relevant to the characteristics of both vessels and (potential) fishermen.
- c. Secure compliance (e.g., do not issue permits until unpaid penalties have been collected and reporting requirements are fulfilled).
- d. Provide a mailing list for the dissemination of regulatory information.
- e. Register participants for fisheries with special restrictions/limited access.
- f. Provide sample frames for data collection.
- g. Permit purchase information for fleet economic analyses.

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone is the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Under this authority the Secretary of Commerce has promulgated separate rules that require specific types of data submissions for the application process to obtain fishing permits and endorsements, and agency notification of certain activities through vessel monitoring systems (VMS) and fishing vessel operator identification cards (operator permits).

Fishers must notify the agency regarding certain fishing activities, such as retrieval of traps, by telephonic communication. Vessel owners and fishery dealers must submit applications for federal fishing permits and provide relevant information on those applications. However, in many cases fishery permit applications are filled out using data which had previously been submitted and mailed to the applicant. The applicant need only modify any data which has changed and choose the desired permits.

The octocoral permit application and allowable chemical permit application have not been used in recent years due to lack of interest in those fisheries and therefore are no longer needed. NOAA Fisheries therefore will allow such permits to be obtained in the future via written request (i.e., without application or form).

The following table lists the Activities and Regulatory Citations for this family of forms.

Activity	Fishery	Form	Regulation Citation
Dealer Permit	South Atlantic Snapper-Grouper	Multiple Fishery Dealer Application	50 CFR 622.4
Dealer Permit	Gulf Reef Fish	Multiple Fishery Dealer Application	50 CFR 622.4
Dealer Permit	Golden Crab	Multiple Fishery Dealer Application	50 CFR 622.4
Dealer Permit	Wreckfish	Multiple Fishery Dealer Application	50 CFR 622.4
Dealer Permit	Rock Shrimp	Multiple Fishery Dealer Application	50 CFR 622.4
Dealer Permit	Shark	Multiple Fishery Dealer Application	50 CFR 678.4
Dealer (including Importer) Permit	Swordfish	Multiple Fishery Dealer Application	50 CFR 630.4
Charter Vessel/Headboat Permit	Gulf Reef Fish	Multiple Fishery Vessel Application	50 CFR 622.4
Charter Vessel/Headboat Permit	South Atlantic Snapper - Grouper	Multiple Fishery Vessel Application	50 CFR 622.4
Charter Vessel/Headboat Permit	Coastal Migratory Pelagic	Multiple Fishery Vessel Application	50 CFR 622.4

Activity	Fishery	Form	Regulation Citation
Commercial Vessel Permit	King and Spanish Mackerel	Multiple Fishery Vessel Application	50 CFR 622.4
Commercial Vessel Permit	Wreckfish	Fishery Vessel Application	50 CFR 622.15
Commercial Vessel Permit	Spiny Lobster	Multiple Fishery Vessel Application	50 CFR 640.4
Commercial Vessel Tailing Permit	Spiny Lobster	Multiple Fishery Vessel Application	50 CFR 640.4
Commercial Vessel Permit	Gulf Shrimp	Shrimp Fishery Vessel Application	50 CFR 622.4
Commercial Vessel Permit	Gulf Reef Fish	Multiple Fishery Vessel Application	50 CFR 622.4
Commercial Vessel Monitoring System Installation	South Atlantic Rock Shrimp	Checklist	50 CFR 622.4
Commercial Vessel Monitoring System Maintenance	South Atlantic Rock Shrimp	No Form	50 CFR 622.4
Vessel Operator Permit Card	South Atlantic Rock Shrimp	Operator Permit Card Application	50 CFR 622.4
Commercial Vessel Permit Transfer	Various	Multiple Fishery Vessel Application	50 CFR 622.4

Activity	Fishery	Form	Regulation Citation
Commercial Vessel Permit	South Atlantic Rock Shrimp	Multiple Fishery Vessel Application	50 CFR 622.4
Commercial Vessel Permit	Swordfish	Multiple Fishery Vessel Application	50 CFR 630.4
Commercial Vessel Permit	South Atlantic Snapper - Grouper	Multiple Fishery Vessel Application	50 CFR 622.4
Commercial Vessel Permit	Shark	Multiple Fishery Vessel Application	50 CFR 678.4
Commercial Vessel Permit	South Atlantic Golden Crab	Individual Form	50 CFR 622.17
Commercial Vessel Permit	Colombian Treaty Waters	Individual Form	50 CFR 300.123
Vessel Permit	Octocoral Coral or Allowable Chemical	No Form - Written Request for Either Permit	50 CFR 622.4
Site Permit	Aquacultured Live Rock	Individual Form	50 CFR 622.4
Site Evaluation Report	Aquacultured Live Rock	Individual Form	50 CFR 622.4
Vessel Permit Endorsement Transfer	Gulf Reef Fish Trap	Multiple Fishery Vessel Application	50 CFR 622.4
Vessel Permit Endorsement Transfer	Gulf Red Snapper	Multiple Fishery Vessel Application	50 CFR 622.4

Activity	Fishery	Form	Regulation Citation
Vessel Permit Endorsement Transfer	Mackerel Gillnet	Multiple Fishery Vessel Application	50 CFR 622.4
Vessel Permit Endorsement Placement	Gulf Red Snapper	No Form - Written Request	50 CFR 622.4
Notification of Lost or Stolen Traps	Golden Crab	No Form - Notification	50 CFR 622.17
Notification for Observers	South Atlantic Sargassum	No Form - Notification	50 CFR 622.8
Notification for Observers	Golden Crab	No Form - Notification	50 CFR 622.8
Zone Transit Notification	Golden Crab	No Form - Notification	50 CFR 622.17
Notification of Authorization for Trap Retrieval	Gulf Reef Fish, South Atlantic Snapper - Grouper, and Golden Crab	No Form - Written Notification of Authorization	50 CFR 622.40
Notification of Harvest Activity	Aquacultured Live Rock	No Form - Notification	50 CFR 622.41
Notification of Lost Traps	Caribbean spiny lobster, Gulf reef fish, Snapper-grouper, golden crab	No Form - Notification	50 CFR 622.6
Coupons for Tracking ITQ	Wreckfish	Coupon	50 CFR 622.15

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

NOAA Fisheries will use the vessel/ownership and related information collected on the Application to help identify and manage all of the permit types handled by that form.

- a) Information such as name and address of owner and operator is used to identify the respondent and the legal entity controlling the fishing practices of the vessel. This latter requirement is essential in identifying participants and monitoring the compliance of the various requirements.
- b) The documentation or state registration number, hull registration number, county, hull type, gross tonnage, net tonnage, and name of the vessel are essential for identifying participation.
- c) Vessel characteristics, gear specification, fishing areas, and other information are necessary to ensure the correct permit issuance is completed by NOAA Fisheries per the existing regulations. Aquacultured live rock site evaluation and harvest activity information is needed to properly manage that fishery.
- d) If an owner's application for a limited-access endorsement is based on qualifying landings that were transferred to him/her through a written agreement, NOAA Fisheries requires a copy of that agreement and a statement of the cost attributed to the transfer of the catch history. This data collection is needed to ensure that NOAA Fisheries takes appropriate action regarding the issuance of endorsements to the applicant.
- e) Information supplied by the requester of a limited-access endorsement/license transfer to another vessel or to another owner includes reporting of any costs (including permit purchase price) associated with such transfer on the application. This information is needed for NOAA Fisheries to monitor movement in and out of the fishery and thereby obtain fleet economic data.
- f) Collection of the taxpayer identification number (i.e., employer identification numbers for corporations, and Social Security number for individuals) on the Application under authority of the Debt Collection Act will enhance NOAA Fisheries' identification of the applicants for management and compliance purposes.
- g) Data collected via the operator permit application are needed to help ensure NOAA Fisheries correctly issues operator permits that assist in monitoring of the fishery participants.
- h) NOAA Fisheries needs to collect information (including documentation of each specific landing claimed) on vessel owners who have documented landings of rock shrimp, but who have

not initially qualified for an initial limited access endorsement. The data will facilitate NOAA Fisheries' completion of a list offering an opportunity for those vessel owners to obtain a non-renewed rock shrimp limited access endorsement via random drawing. This will allow for movement into the fishery in the future and thereby provide economic benefits to historical participants currently not initially qualified under the limited access program.

i) The burden time for VMS installation, completion and submission of the statement certifying compliance with the installation and activation checklist, transmittal of position reports, and for annual maintenance is needed to ensure that the VMS unit on that vessel is fully functional and provides enforcement benefits to NOAA Fisheries and the fishery.

j) Transfer information on the wreckfish individual transferrable quota coupon needs to be collected in order for NOAA Fisheries to track the coupon transfer and ensure that the ITQ program is properly administered.

k) NOAA Fisheries needs to collection information regarding lost golden crab traps, Caribbean spiny lobster trap, Gulf reef fish traps, snapper-grouper (sea bass) traps. NOAA Fisheries also needs to collection information regarding retrieval of Gulf reef fish traps, snapper-grouper traps, and golden crab traps, by authorized persons. These data are needed to adequately monitor the fishery and ensure compliance with the regulations so that those fisheries can be properly managed.

l) NOAA Fisheries needs to collect information regarding Sargassum and golden crab fishing trips so that observers may cover those fisheries and thereby obtain harvest data for management purposes.

m) NOAA Fisheries needs to collect information regarding golden crab vessels transiting additional fishing zones (other than the zone for which the vessel is permitted) so that the fishery can be monitored for compliance and resource assessment purposes.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) collection of this data. Regarding the permitting data collection, the Southeast Region's Web site allows the public to obtain a printed copy of the permit application via downloading to their printer. Otherwise, the Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) permit application and issuance. This capability cannot be accomplished in the Southeast Region without significant changes to the permit issuance criteria and our permit issuance processes. These changes have been initiated, in that fillable application forms will be available on NOAA Fisheries' Website in the near future. Also, the Southeast Region Permits Team will be switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the future. The Southeast Region also has obtained clearance of a survey of permitted vessel owners to determine the feasibility of Web site application and associated costs/benefits. The survey results will be used to evaluate the feasibility of electronic permit transactions for possible inclusion in future permitting system changes and resource/technology allocations. Such changes could support NOAA's proposed initiative for One-Stop Shopping (to improve customer service through coordination of NOAA consultation and permitting activities).

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed permit application requirements. Therefore, NOAA Fisheries is confident it is aware of similar collections if they exist. The other information proposed to be collected is not being collected elsewhere; therefore, this data collection would not cause duplication.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management and permitting programs are requested from all applicants.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If we did not identify and control the participants in the commercial fisheries in the region, through the permit system, it would critically reduce the management of our fishery resources. Collection of the vessel-specific information whenever the application is completed is necessary for NOAA Fisheries to properly implement the applicable endorsement/license/permit transfer/renewal provisions to be in effect for the fishery. Since that information may change over time, periodic collection is needed. The rock shrimp vessel operator permit cards are issued on a triennial basis (every three years.) The other permits, license, and endorsements are issued on an annual basis, but require an application for renewal on a biennial basis (every two years.)

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register notice (copy attached) solicited public comment on this proposed collection. No comments were received.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen are routinely submitted, reviewed, and considered. Experience with the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NOAA Fisheries on issues and concerns to the applicants. This did not raise an unusual amount of controversy during the Council development process. There are no major problems that have not been resolved.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no payments or other remunerations to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Pursuant to Section 402 of the Magnuson-Stevens Act, NOAA Fisheries is required to maintain the confidentiality of information submitted by persons in compliance with the provisions of the Act. In addition, based on recent court decisions, the Freedom of Information Act serves as the basis for release of confidential name and address information via a NOAA Internet website for informational purposes. Finally, all other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics and 50 CFR Part 600, Subpart E “Confidentiality of Statistics.”

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The burden hours are shown in the following table.

Form/Notification /Endorsement	Total Number of Respondents	Annual Number of Responses	Time per Response	Total Time Hours
Multiple Fishery Dealer Application	548	274	5 min .083 hr	22.83
Multiple Fishery Vessel Application	9797	4898	20 min .33 hr	1632.66
South Atlantic Wreckfish Vessel Form	8	8	20 min .33 hr	2.66
Rock Shrimp Vessel Monitoring System Maintenance	168	168	2 hr	336

Form/Notification /Endorsement	Total Number of Respondents	Annual Number of Responses	Time per Response	Total Time Hours
Rock Shrimp Vessel Monitoring System Installation	0	0	4 hr	0
Rock Shrimp Vessel Operator Permit Card Applications	168	56	1 hr	56
Rock Shrimp Vessel Position Reports	168	33,600	.23 hr	7,728
Rock Shrimp Vessel Non- Renewed Endorsement Requests	30	10	2 hr	20
South Atlantic Golden Crab Vessel Form	10	5	20 min .33 hr	1.66
Colombian Treaty Vessel Form	20	20	20 min .33 hr.	6.66
Aquacultured Live Rock Site Permit	1	1	20 min .33 hr	0.33
Aquacultured Live Rock Site Evaluation Report	1	1	45 min .75 hr	.75
Notification of Permit Purchase Price – Permit Transfer	658	329	5 min .083 hr	27.31

Form/Notification /Endorsement	Total Number of Respondents	Annual Number of Responses	Time per Response	Total Time Hours
Endorsement Transfer - Gulf red snapper	0	0	20 min .33 hr	0
Endorsement (Placement) - Gulf red snapper	130	65	5 min .083 hr	5.42
Endorsement – South Atlantic rock shrimp	0	0	20 min .33 hr	0
Endorsement – Gulf Reef Fish Trap	59	30	20 min .33 hr	10
Endorsement – Mackerel Gillnet	52	26	20 min .33 hr	8.66
Notification of Golden Crab Lost or Stolen Traps	2	2	5 min .083 hr	0.16
Notification – Sargassum Vessel Observer	0	0	5 min. .083 hr	0
Notification – Golden Crab Observer	2	2	5 min .083 hr	0.16
Transit Notification – Golden Crab Vessel	5	5	5 min .083 hr	0.42

Form/Notification /Endorsement	Total Number of Respondents	Annual Number of Responses	Time per Response	Total Time Hours
Notification Authorization for Trap Retrieval – Gulf Reef Fish	5	5	15 min .25 hr	1.25
Notification Authorization for Trap Retrieval - South Atlantic Snapper - Grouper	2	2	15 min .25 hr	0.50
Notification Authorization for Trap Retrieval - Golden Crab	1	1	15 min .25 hr	0.25
Notification Harvest Activity – Aquacultured Live Rock	10	10	5 min .083 hr	0.83
Notification Lost Traps - Caribbean Spiny Lobster	2	2	5 min .083 hr	0
Request for Octocoral Coral or Allowable Chemical Vessel Permit	0	0	5 min. .083 hr.	0
Total	10592*	39,520		9,862.51

*Duplications in column not counted.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

A fee is charged for each permit application/request submitted (regardless of whether or not the application meets the criteria and is approved). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative cost of each special product or service. The total deposit for the period September 1, 2002, to September 1, 2003, was \$402,109.00. NOAA Fisheries estimates that mailing costs were incurred for 10,373 mailed responses (43,979 responses minus the 33,600 rock shrimp vessel position reports, and the six observer notifications conducted by telephone.) Therefore, the public paid \$0.37 mailing costs for each of the 10,373 responses for a total of \$3,838. The total annual cost burden to the respondents, as a result, was \$405,947.

14. Provide estimates of annualized cost to the Federal government.

The administrative costs for the program are paid by the fishermen. As a result, there is no cost to the Federal government.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Program changes are requested as part of this renewal, as described below. NOAA Fisheries is no longer accepting stone crab permit applications (grand total of 10 hours and cost of \$7,400), rock shrimp vessel permit applications (grand total of 117 hours and cost of \$6150), and ineligibility reconsideration submittals (grand total of four hours and cost of \$5) and reef fish/coastal migratory pelagic charter fishery applications (grand total of 1,700 hours and cost of \$72,600), and ineligibility appeal submittals (grand total of 500 hours and cost of \$185). The octocoral permit applications and allowable chemical applications are being replaced by a written request (to NOAA Fisheries) at 5 minutes, with \$0.37 mailing cost, per such request. In addition, the shark vessel observer notification (a grand total of 10 minutes at no cost) and swordfish vessel observer notification (a grand total of 10 minutes at no cost) have been added to another data collection authorization, and therefore are now excluded from 0648-0205. As a result of the program changes listed above, the total number of annual responses, and the total number of burden hours, requested are less than the current OMB inventory.

In addition, an adjustment of -3,358 hours is needed regarding the multiple fishery vessel application, since the actual number of annual responses are less than previously calculated.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results from this collection are not planned for statistical publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.


The OMB number will be displayed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exemptions to the certification statement identified in Item 19 of OMB 83-I.

Section B. Collections of Information Employing Statistical Methods

The collection does not employ statistical methods at present.

FEDERAL PERMIT APPLICATION FOR VESSELS FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ)						OMB No. 0648-0205 Approval Expires:																	
U.S. DEPARTMENT OF COMMERCE, NOAA NMFS PERMITS TEAM, F/SER22 9721 EXECUTIVE CENTER DRIVE N. ST. PETERSBURG, FL 33702 727/570-5326 (8am - 4:30pm EST)																							
						FOR OFFICE USE ONLY																	
						CHECK/MONEY ORDER INFO:						EXP. DATE:											
						FLOY TAG CHECK/MONEY ORDER NO.:				REVIEWER'S INITIALS:													
						NON-REPORTING HOLD DATE:		VIOLATION HOLD DATE:		QUALIFIER:													
						CLEARED DATE/INITIALS:																	
						GEARS:				FISHERIES:													
						1.		2.		3.		4.		1.		2.		3.		4.			
SECTION 1 VESSEL INFORMATION (please print legibly or type) Coast Guard Doc. and/or State Registration must be provided																							
NAME OF VESSEL						CG DOC. OR STATE REG. NO. (OFFICIAL NUMBER)						HULL IDENTIFICATION NUMBER											
LENGTH (FT.)				ENGINE HORSEPOWER				HOLD CAPACITY (TONS)				GROSS & NET TONNAGE				HULL TYPE							
HOME PORT (CITY & STATE)						FUEL CAPACITY (Gal.)				YEAR BUILT				PASSENGER CAPACITY									
SECTION 2 DOCUMENTED/STATE REGISTERED OWNER/INCOME QUALIFIER INFORMATION If additional space is needed, please attach a separate sheet of paper if more than three owners.																							
OWNER/QUALIFIER NAME (If Individual, last name/first name/middle name)												<input type="checkbox"/> DATE OF BIRTH		<input type="checkbox"/> DATE CORPORATION FILED		MONTH		DAY		YEAR			
MAILING ADDRESS										CITY													
COUNTY				STATE		ZIP CODE				TAXPAYER ID NO.				TELEPHONE									
2 nd OWNER NAME (if applicable) (If Individual, last name/first name/middle name)												<input type="checkbox"/> DATE OF BIRTH		<input type="checkbox"/> DATE CORPORATION FILED:		MONTH		DAY		YEAR			
3 rd OWNER NAME (if applicable) (If Individual, last name/first name/middle name)												<input type="checkbox"/> DATE OF BIRTH		<input type="checkbox"/> DATE CORPORATION FILED:		MONTH		DAY		YEAR			
SECTION 3 OPERATOR INFORMATION ONLY IF REQUIRED																							
OPERATOR LAST NAME						FIRST				MIDDLE				AREA CODE/PHONE NO.									
ADDRESS										CITY													
STATE		ZIP CODE				FEDERAL ID NO.				DATE OF BIRTH:				MONTH		DAY		YEAR					
SECTION 4 LEASE INFORMATION																							
LESSEE NAME (If Individual, last name/first name/middle name)										<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION		AREA CODE/PHONE NO.											
ADDRESS										CITY													
STATE		ZIP CODE				FEDERAL ID NO.				LESSEE DATE OF BIRTH				LEASE EXPIRATION DATE:				MONTH		DAY		YEAR	
SECTION 5 RED SNAPPER CLASS 1 LICENSE TRANSFER INFORMATION																							
RED SNAPPER LICENSE HOLDER NAME (if individual, last name, first name, middle name)										<input type="checkbox"/> DATE OF BIRTH		<input type="checkbox"/> DATE CORP FORMED		AREA CODE/PHONE NO.									
ADDRESS																							
CITY												STATE		ZIP CODE									
SECTION 6 HISTORICAL CAPTAIN INFORMATION FOR GULF OF MEXICO CHARTER/HEADBOAT																							
HISTORICAL CAPTAIN LAST NAME						FIRST				MIDDLE				AREA CODE/PHONE NO.									
ADDRESS																							
CITY						STATE		ZIP CODE				DATE OF BIRTH		MONTH		DAY		YEAR					
SECTION 7 COMPLETE IF VESSEL IS CORPORATE OWNED OR PARTNERSHIP																							
If applying for a PERMIT and the vessel owner is a corporation or partnership, provide the names, addresses, and dates of birth of the shareholders or partners on the lines provided. If more space is needed, please attach an additional sheet of paper.																							
1. _____											2. _____												
_____											_____												
_____											_____												
PERMIT(s) SELECTION AND ADDITIONAL INFORMATION ON REVERSE																							
Page 1 of 6																							

SECTION 8 PREDOMINANT GEAR AND FISHERIES (Data collection information)

This vessel is best described as:

☐ Charter (CH)

☐ Commercial (CM)

☐ Headboat (HB)

Select by letter up to 4 gears used by this vessel
(1. most important - 4. least important)

1. _____

2. _____

a. Shrimp Trawl

b. Fish Trap/Pot

c. Gillnet

d. Reef Fish Bandit

e. Hand/Troll Line

f. Rod & Reel

3. _____

4. _____

g. Surface Longline

h. Bottom Longline

i. Lobster Trap

j. Diver

k. Other (specify)

Select by letter up to 4 fisheries in which this vessel participates.
List fisheries in the order of the value of fish sold.

1. _____

2. _____

a. Reef Fish

b. King Mackerel

c. Shark

d. Spanish Mackerel

e. Swordfish/Tuna

3. _____

4. _____

f. Stone Crab

g. Spiny Lobster

h. Shrimp

i. Other (specify)

SECTION 9 SELECT TYPE OF CHARTER/HEADBOAT/COMMERCIAL FISHERY(IES)

\$50.00 FOR FIRST FISHERY SELECTED; \$20.00 FOR EACH ADDITIONAL FISHERY SELECTED.

OPEN ACCESS CHARTER/HEADBOAT AND COMMERCIAL PERMITS

☐ SOUTH ATLANTIC CHARTER/HEADBOAT FOR
COASTAL MIGRATORY PELAGIC (CHS)

☐ SOUTH ATLANTIC CHARTER/HEADBOAT
SNAPPER-GROUPER (SC)

☐ SPINY LOBSTER (LC) (Not required for the EEZ off Florida)

☐ SPINY LOBSTER TAILING (LT)

☐ SOUTH ATLANTIC ROCK SHRIMP (RS)

☐ SPANISH MACKEREL (SM)

CHARTER/HEADBOAT AND COMMERCIAL PERMITS WITH LIMITED ACCESS/MORATORIUM

	RENEWAL	TRANSFER
GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (CHG)	<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (RCG)	<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN GULF OF MEXICO CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC (HCHG)	<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN GULF OF MEXICO CHARTER/HEADBOAT FOR REEF FISH (HRCG)	<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 1 LICENSE (L1)	<input type="checkbox"/>	<input type="checkbox"/>
RED SNAPPER CLASS 2 LICENSE (L2)	<input type="checkbox"/>	<input type="checkbox"/>
KING MACKEREL (KM, KT)	<input type="checkbox"/>	<input type="checkbox"/>
GILLNET ENDORSEMENT FOR KING MACKEREL (GN, TGN)	<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO REEF FISH (RR, RT, RRE, RTE)	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC ROCK SHRIMP (RSE)	<input type="checkbox"/>	<input type="checkbox"/>
UNLIMITED SOUTH ATLANTIC SNAPPER-GROUPER EXCLUDING WRECKFISH (SG1, ST1, TSG1, TST1)	<input type="checkbox"/>	<input type="checkbox"/>
225 lbs. TRIP LIMIT SOUTH ATLANTIC SNAPPER-GROUPER EXCLUDING WRECKFISH (SG2, ST2, TSG2, TST2)	<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH DIRECTED (SFD, TSFD)	<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH HANDGEAR (SFH, TSFH)	<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH INCIDENTAL (SFI, TSFI)	<input type="checkbox"/>	<input type="checkbox"/>
SHARK DIRECTED (SKD, TSKD)	<input type="checkbox"/>	<input type="checkbox"/>
SHARK INCIDENTAL (SKI, TSKI)	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 10 COMPLETE THIS SECTION ONLY IF YOU FISH WITH TRAPS/POTS IN THE REEF FISH OR SNAPPER-GROUPER FISHERIES

If you have an existing color code for any trap/pot fishery, list here.

COLOR CODE: _____

If no existing color code, insert choice (white is not an acceptable color code): _____

Trap/Pot Information: Gulf of Mexico Reef Fish (GOM) or South Atlantic Snapper-Grouper (SA) Fishery.

(GOM)

No. of traps

Length x Width x Height (in.)

Mesh Sizes (in.)

(SA)

No. of pots

Length x Width x Height (in.)

Mesh Sizes (in.)

SECTION 11 SIGNATURE (All applications must be signed and dated)

NOTE: Income qualifier as listed in Section 2 for owner/qualifier, must sign the application.

The undersigned certifies that he/she (1) meets any applicable earned income requirement for a requested permit(s), as shown on the attached instructions; (2) if a shark permit is received, agrees that shark fishing, catch and gear are subject to the shark regulations at 50 CFR part 635.5, without regard to where such shark fishing occurs or where such shark or gear are possessed, taken or landed; and (3) if a spiny lobster tailing permit is requested, routinely conducts commercial fishing activity in Federal waters on trips of 48 hours or more and such fishing activity requires the separation of carapace and tail to maintain a quality product.

Owner's Signature

Operator's Signature (if required)

Date:

Name: (print legibly or type)

Position, if owner's a corporation/partnership:

Rev. 06/16/2003

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ACTIVITIES FOR WHICH PERMITS ARE REQUIRED

GULF COASTAL MIGRATORY PELAGIC CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish or possess a coastal migratory pelagic fish in or from Federal waters in the Gulf of Mexico, a charter permit must be issued to the vessel and be on board. Permits for coastal migratory pelagic charter are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with an application. **Permits must be renewed within one year of the expiration date.**

GULF REEF FISH CHARTER - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a reef fish in or from Federal waters of the Gulf of Mexico, a charter permit must be issued to the vessel and be on board. Permits for Gulf of Mexico reef fish charter are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with an application. **Permits must be renewed within one year of the expiration date.**

COASTAL MIGRATORY PELAGIC CHARTER (South Atlantic) OR SNAPPER-GROUPER CHARTER (South Atlantic) - For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess a coastal migratory pelagic or snapper-grouper in or from Federal waters off the southern Atlantic states, a charter permit must be issued to the vessel and be on board.

SPANISH MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for Spanish mackerel, a commercial permit must be issued to the vessel and be on board. At time of application income criteria must be submitted. *If applying for a spanish mackerel permit income from one of three years prior to application must be submitted at time of application. See Earned Income or Gross Sales Requirements for Commercial Permits.*

SPINY LOBSTER - For a vessel fishing in Federal waters off states other than Florida to be exempt from the daily catch and possession limit, a commercial spiny lobster permit must be issued to the vessel and be on board. Florida's requirements apply to a vessel fishing in Federal waters off Florida. To possess a separated spiny lobster tail in or from Federal waters, a tail-separation permit must be issued to the vessel and be on board. *If applying for a commercial spiny lobster permit income from the previous calendar year must be submitted at time of application.*

ROCK SHRIMP (South Atlantic) - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters or possess rock shrimp in or from Federal waters, a vessel permit must be issued to the vessel and be on board.

KING MACKEREL - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits and to fish under a commercial allocation for king mackerel, a commercial permit must be issued to the vessel and be on board. Permits for king mackerel are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with the application. **Permits must be renewed within one year of the expiration date.**

GILLNET ENDORSEMENT FOR KING MACKEREL - For a person aboard a vessel in Federal waters to use a run-around gillnet for king mackerel in the southern Florida west coast subzone, a commercial permit for king mackerel with a gillnet endorsement must be issued to the vessel and be on board. Permits for gillnet endorsement for king mackerel are under a moratorium. No new vessel may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with the application.

REEF FISH (Gulf of Mexico) - As a prerequisite to sell reef fish in or from Federal waters and to be eligible for exemption from the bag limits, a commercial permit must be issued to the vessel and be on board. Permits for the reef fish fishery are under a moratorium. No new vessels may be permitted except by transfer of a valid (not expired) permit. To transfer a permit, the original valid (not expired) permit must be returned with the application. **Permits must be renewed within one year of the expiration date.**

LIMITED ACCESS ROCK SHRIMP ENDORSEMENT (South Atlantic) - For a person aboard a fishing vessel to fish for rock shrimp in Federal waters from the Virginia/North Carolina border to the East Coast of Florida, or possess rock shrimp in or from Federal waters, a vessel permit for rock shrimp must be issued to the vessel and be on board. However, to participate in that fishery off Georgia and the east coast of Florida, a limited-access endorsement for South Atlantic rock shrimp is required. **A qualified applicant who desires to transfer the rights to an initial endorsement to the owner of a vessel must submit an application requesting such transfer.** Such transfer of rights will include transfer of credit for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the qualified applicant's ownership.

SNAPPER-GROUPER EXCLUDING WRECKFISH (South Atlantic) - For a person aboard a vessel in Federal waters to be eligible for exemption from the bag limits, to engage in a directed fishery for tilefish or to use a sea bass pot, a commercial permit must be issued to the vessel and be on board. Permits for the South Atlantic snapper-grouper fishery are under a moratorium. No new vessels may be permitted except by transfer of a valid (not expired) permits. A person desiring to acquire a limited access transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit. The original valid (not expired) permits must be returned with the application. **Permits must be renewed within 60 days of the expiration date.**

SHARK - As a prerequisite to sell a shark in or from Federal waters and to be eligible for exemption from the bag limits, a commercial permit must be issued to the vessel and be on board. Permits for the shark fishery are under a moratorium.. No new vessels may be permitted except by transfer of a valid (not expired) limited entry permit. To transfer a permit, the original valid (not expired) permit must be returned with the application. **Permits must be renewed within one year of the expiration date.**

SWORDFISH - To fish for or possess swordfish in or from the North Atlantic Ocean, or take swordfish as bycatch, whether or not retained, a commercial permit must be issued to the vessel and be on board. Permits for the swordfish fishery are under a moratorium. No new vessels may be permitted except by transfer of a valid (not expired) limited entry permit. To transfer a permit, the original valid (not expired) permit must be returned with the application. **Permits must be renewed within one year of the expiration date.**

INSTRUCTIONS (Incomplete or illegible applications will be returned.)

1. Blocks in Sections 1, 2, 8, 9 and 11 must be completed or application will be returned.
2. The application fee is **\$50 for one fishery and \$20 for each additional fishery** and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application.
3. Mail the application, **copy of current Coast Guard Certificate of Documentation/state registration (must be provided with every application, even if state registration has a multiple year expiration date)**, check(s)/money order(s), if vessel is owned by a corporation, must provide a copy of ACTIVE Articles of Incorporation and , if required, income tax forms/schedules or fish receipts to: **NMFS (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702**. Questions may be phoned to 727/570-5326 between 8am - 4:30pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a **FEDERAL EXPRESS** air bill, complete with your delivery address (no PO Box numbers), telephone number, and your FEDEX account number or credit card number with expiration date.
4. If renewing or transferring a Gulf charter/headboat permit, a copy of the U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license must be provided, along with any other requested information. A USCG Certificate of Inspection must be provided if passenger capacity is greater than 6 passengers.
5. Each vessel issued a South Atlantic rock shrimp permit (regardless of whether or not issued the limited access endorsement), when at sea or offloading, is required to have on board at least one person who has a Federal operator permit card issued by the Southeast Regional Office. NMFS will mail operator permit card application forms to federally-permitted South Atlantic rock shrimp vessel owners. Operator permit card applications also are available upon request by calling (727) 570-5326 between the hours of 8:00 am to 4:30 pm (EST).

In accordance with Federal regulations, any change in your permit information must be reported to the NMFS Regional Administrator within 30 days of the change.

SECTION 1 Enter name, official number, and length of vessel as they appear on the Coast Guard documentation or, if not documented, on the state registration certificate. Under "Home Port", enter the city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation. Provide the length, engine horsepower, hold capacity(tons), and gross and net tonnage must be provided or the application will be returned.

SECTION 2 Enter the information of the person shown as the **"owner/qualifier"** from the Coast Guard documentation or, if not documented, from the state registration certificate. If more than one owner, please list additional owners in space provided for 2nd or 3rd owners and if additional space is needed, please attach additional sheet of paper. If owner/qualifier is an individual select the box marked date of birth and enter the Social Security number. If the person shown as the **"owner"** is a corporation or partnership, enter the Federal ID number and and select the box with date the corporation/partnership was formed. If a corporate owned vessel, submit ACTIVE Articles of Incorporation along with other requested information. If already on file, a copy of the active annual report. If corporations are in an INACTIVE status, permits will not be issued. **When renewing, corrections should be made by drawing a line through any incorrect information and entering the correct information.**

SECTION 3 Complete this section only when the OPERATOR is required to meet the earned income requirement.

SECTION 4 Complete this section only when the vessel is being operated under a lease or other written management agreement that bestows control over the destination, function or operation of the vessel to a person other than the person shown in Section 2. Enter the date of expiration of the lease or written management agreement. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the permit. Provide a copy of the signed (both parties) and dated lease agreement. We recommend that the lease agreement end at the end of a month.

SECTION 5 Complete this section only when you are placing your red snapper Class 1 license on the vessel being permitted.

SECTION 6 Complete this section if you are an historical captain under the Gulf of Mexico charter/headboat vessel moratorium and have already qualified under the moratorium criteria (no new applications are being accepted). You must provide a copy of U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, if passenger capacity is larger than a 6-pack a copy of USCG Certificate of Inspection must also be provided, if renewing, transferring, or redeeming the historical captain letter of eligibility.

SECTION 7 Complete this section if vessel is corporate or partnership owned.

SECTION 8 The information in this section is a data collection requirement and must be completed or application will be returned.

SECTION 9 Select only those fisheries that are required and for which the owner or operator qualifies, specifically including any applicable earned income requirement. Each permit obtained may entail additional reporting requirements, including a daily fishing vessel logbook record. **For renewal of applications or transfers, no permit(s) will be issued until all required logbook reports have been received in Miami.**

SECTION 10 Complete this section only if you fish with traps/pots in the reef fish fishery of the Gulf of Mexico or the snapper-grouper fishery off the southern Atlantic states. A **separate check or money order for trap/pot tags (\$1.30 per tag) is required for use in the reef fish and snapper-grouper fisheries payable to FLOY TAG**. Tags will be mailed directly to you from Floy Tag and will not accompany the permit package.

SECTION 11 The application must be signed by the vessel owner unless applying for a permit(s) which require earned income, then it must be signed by the **qualifying applicant**, i.e., the owner/qualifier, an officer or shareholder of a corporate-owned vessel, a general partner of a partnership-owned vessel or the operator.

TRANSFERS

1. If applying for a TRANSFER of a GULF OF MEXICO REEF FISH, KING MACKEREL, or GILLNET ENDORSEMENT FOR KING MACKEREL PERMIT, please provide the following information:

2. New owners of Limited Access/Moratorium permits must meet the earned income requirement not later than the first full calendar year after the issuance of the permit.

- **Transfer of Gulf of Mexico Reef Fish, King Mackerel, or Gillnet Endorsement for King Mackerel Permit - Same Owner:** An owner of a permitted vessel may transfer the vessel permit to another vessel owned by same owner by returning the original permit with an application for a vessel permit for the replacement vessel.
- **Transfer of Gulf of Mexico Reef Fish or King Mackerel Permit - New Owner:** A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit, **if the permit has not expired**, and renew it for the first calendar year after the purchase without meeting the earned income requirement, provided the previous owner (not operator) met that requirement. To transfer, original permit with valid (not expired) expiration date, signatures of all parties on back of permit, and a copy of the vessel documentation or state registration must accompany a completed application.
- **Transfer of Gillnet Endorsement for King Mackerel Permit - New Owner** - This permit may be transferred upon change of ownership of a permitted vessel with such endorsement from one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father.

2. If applying for a TRANSFER of Red Snapper License, please provide the following information:

- **Transfer of Red Snapper Class 1 or Class 2 Licenses - Same Owner:** To transfer license to same owner, different vessel, no signatures are required. You must submit original permit, written request, and a \$50 check/money order as to where you want to transfer permit.
- **Transfer of Red Snapper Class 1 or Class 2 Licenses - New Owner** - If transferring to a new owner, original permit with signatures on back, written request if vessel currently holds existing permits. If vessel does not hold a current permit, must submit an application, original permits with signatures on back, copy of current CG Documentation or State Registration.
- **Red Snapper Class 1 License Placement:** If individual is placing their Class 1 Red Snapper license on a boat that already holds Federal permits, they need to send a written request, and the original Red Snapper license. If individual is placing their Class 1 Red Snapper license on a vessel owned by a another entity, they must submit an application, check/money order, vessel Coast Guard Documentation or State Registration of vessel owner, and original permit.

3. If a qualified applicant wishes to TRANSFER the rights of a LIMITED ACCESS ATLANTIC ROCK SHRIMP ENDORSEMENT

- **Transfer of Rock Shrimp Endorsement - New Owner** - If transferring to a new owner, must submit an application if vessel holds no other permits, copy of CG Documentation or State Registration, if not documented, original endorsement with signatures on back, and check/money order. If vessel owner already holds permits, a written request, original endorsement and check/money order for transfer.
- **Transfer of Rock Shrimp Endorsement - Same Owner** - If transferring rights to same owner different vessel and vessel already holds permits, a written request, original permit, and check/money order. If vessel holds no permits, an application, copy of CG Documentation or state registration, if not documented, original endorsement, and check/money order.

4. If applying for a TRANSFER of a SOUTH ATLANTIC SNAPPER-GROUPER PERMIT, please provide the following information:

- **Transfer of Unlimited Permit - Same Owner:** An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same owner by returning the original permit with an application for a vessel permit for the replacement vessel.
- **Transfer of Unlimited Permit - New Owner:** A person desiring to acquire a limited access transferable permit for South Atlantic snapper-grouper permit must obtain and exchange two such permits for one new permit. The two original permits with **valid (not expired) (not expired) expiration date**, signatures of both parties on back and a copy of the vessel documentation or state registration must accompany a completed application.
- **Transfer of 225-pound Trip Limit Permit - Same Owner:** An owner of a vessel with a trip limit permit may request that the RA transfer the permit to another vessel owned by the same entity by returning the original permit with an application for a vessel permit for the replacement vessel.
- **Transfer of 225-pound Trip Limit Permit New Owner:** The permit is not transferable to a new owner. Can be transferred to different vessel same owner.

5. If applying for a TRANSFER of a Atlantic SHARK or SWORDFISH PERMIT, please provide the following information:

- **Transfer of Permit - Same Owner:** An owner of a permitted vessel may transfer the vessel permit to another vessel owned by same owner by returning the original permit with an application for a vessel permit for the replacement vessel. Such transfers would be subject to upgrading restrictions: **for swordfish handgear or swordfish and shark directed permits (cannot exceed 10% increase in length, gross or net tonnage and 20% increase in horsepower of initial vessel.** Swordfish handgear permits are transferable, but only for use with handgear.
- **Transfer of Permit - New Owner:** A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit. To transfer, original permit with valid (not expired) expiration date, signatures of both parties on back of permit, and a copy of the vessel documentation or state registration must accompany a completed application. Such transfers would be subject to upgrading restrictions: **for swordfish handgear or swordfish and shark directed permits (cannot exceed 10% increase in length, gross or net tonnage and 20% increase in horsepower of initial vessel.** Swordfish handgear permits are transferable, but only for use with handgear.

6. If applying for a TRANSFER of a GULF COASTAL MIGRATORY PELAGIC CHARTER or GULF REEF FISH CHARTER permit, please provide the following information:

- **Transfer of Gulf Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter Permit - Same Owner** - An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same entity by returning the original permit with an application for a vessel permit for the replacement vessel.

- **Transfer of Gulf Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter Permit - New Owner** - A person purchasing a vessel with a permit or purchasing a permit only may transfer the permit, **if the permit has not expired**. To transfer, **original permit with valid (not expired) expiration date**, signatures of **all** parties on back of permit, and a copy of the vessel documentation or state registration, U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, and copy of the vessel documentation or state registration must accompany a completed application.
- **Transfer of Historical Captain for Coastal Migratory Pelagic Charter or Gulf Reef Fish Charter** - A person with a historical captain endorsement may only transfer to another vessel that he/she operates, and cannot be transferred to a vessel with a higher authorized passenger capacity than the vessel from which the permits was transferred. To transfer, **original permit with valid (not expired) expiration date**, copy of his/her U.S. Coast Guard Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license, and copy of the vessel documentation or state registration must accompany a completed application.

NOTE: Upon transfer of a Gulf of Mexico moratorium Coastal Migratory Pelagics charter/headboat permit and/or Gulf of Mexico moratorium Reef Fish charter/headboat permit, the Federal charter/headboat **decal must be removed** from your vessel.

EARNED INCOME OR GROSS SALES REQUIREMENTS FOR COMMERCIAL PERMITS

	KING & SPANISH MACKEREL	REEF FISH (GULF OF MEXICO)	SPINY LOBSTER
Percentage of earned income	At least 25%	More than 50%	At least 10%
Gross sales alternative	More than \$10,000 in sales of fish	N/A	N/A
Source of earned income	Commercial, charter, or headboat	Commercial, charter, or headboat	Sale of catch
Time frame for qualification	One of three years prior to application	Either of two years prior to application	Year prior to application

The following fisheries do not require any earned income:

Charter for Coastal Migratory Pelagic Fish
Gulf of Mexico Charter/Headboat for Reef Fish
South Atlantic Charter for Snapper-Grouper
Spiny Lobster Tailing
South Atlantic Rock Shrimp
Unlimited South Atlantic Snapper-Grouper excluding Wreckfish
225 lbs. Trip Limit South Atlantic Snapper-Grouper excluding Wreckfish
Swordfish
Shark

Documentation of earned income must include the following information: all wages or salaries earned by the applicant; any business income or loss and type of business of the applicant; gross sales from fishing of a sole proprietorship business of the applicant; and net profit or loss from fishing of a sole proprietorship business of the applicant. The documentation must specify the calendar year for which it applies. Instead of the individual items of information specified above, the applicant may submit copies of those portions of the individual's income tax return that show those items, i.e., Pages 1 & 2 of Form 1040, W-2(s), Schedule C(s) and, if applicable, Schedule E.

For a corporation/partnership owned vessel, percentage of earned income requirement must be met by an officer or shareholder of the corporation, a general partner or the vessel operator. When an officer/shareholder/partner documents his/her earned income from fishing, the corresponding corporate or partnership documented income, including shareholder's share of income and copy of Articles of Incorporation, must be submitted. The documentation must specify the calendar year for which it applies. Instead of these individual items of information, the officer/shareholder/partner may submit copies of his/her individual income tax return and the corresponding corporate or partnership income tax return, including Schedule K-1.

If using gross sales alternative, the applicant must submit copies of receipts indicating sales of fish harvested from the owner's, operator's, corporation's or partnership's vessel for a specified year (copy of Salt Water Products License (SPL) must be submitted). Instead of such receipts, the applicant may submit copies of those portions of the individual/corporation income tax return that show this information, i.e., Pages 1 & 2 of Schedule C, C-EZ, Form 1120, 1120A, 1120S or 1065.

Previously submitted documentation that meets the time frame for qualification need not be resubmitted. Renewal of a permit that was issued based on the earned income of an operator must be accompanied by new documentation of earned income when a new or additional operator meets the requirements. Copies of income tax forms and schedules and all information submitted for documentation or earned income from fishing or gross sales of fish are treated as confidential.

KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries website. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



U.S. DEPARTMENT OF COMMERCE, NOAA
NOAA FISHERIES PERMITS TEAM, F/SER22
9721 EXECUTIVE CENTER DRIVE N.
ST. PETERSBURG, FL 33702
727/570-5326 (8 am - 4:30 pm EST)
<http://caldera.sero.nmfs.gov>

OMB No. 0648-0205
Approval Expires:

INITIAL FEDERAL PERMIT APPLICATION FOR VESSELS FISHING FOR SHRIMP IN THE GULF OF MEXICO EEZ

Please Print Legibly or Type

Application Fee:\$50	FOR OFFICE USE ONLY	
	CHECK/MONEY ORDER NO.:	EXPIRATION DATE:
	REVIEWER'S INITIALS/DATE:	

SECTION 1 VESSEL INFORMATION - Coast Guard Documentation and/or State Registration **Must** Be Provided

NAME OF VESSEL	CG DOC. OR STATE REG. NO. (OFFICIAL NUMBER)	YEAR BUILT	HULL IDENTIFICATION NUMBER	
HOMEPORT (CITY & STATE)	LENGTH (FT.)	ENGINE HORSEPOWER	FUEL CAPACITY (GAL.)	FUEL TYPE
HULL TYPE (e.g., Fiberglass, Wood, Steel)	GROSS TONNAGE	NET TONNAGE	HOLD CAPACITY (TONS)	

SECTION 2 VESSEL OWNERSHIP INFORMATION

If you are applying for a permit and the vessel owner is a corporation or a partnership (owned by more than one person), provide **ALL** names, addresses and dates of birth of the shareholders or partners in the space provided below. If more space is needed, please attach an additional sheet of paper.

OWNER NAME (Individual, Corporation, or Responsible Partner)				ID # (OFFICE USE ONLY)		AREA CODE/PHONE NO.	
MAILING ADDRESS				CITY			
STATE	ZIP CODE	TAXPAYER IDENTIFICATION NUMBER	DATE OF BIRTH OR DATE CORPORATION FILED		MONTH	DAY	YEAR
SECOND OWNER/PARTNER/SHAREHOLDER/OFFICER'S NAME				AREA CODE/PHONE NO.			
MAILING ADDRESS				CITY			
STATE	ZIP CODE	DATE OF BIRTH:	MONTH	DAY	YEAR	TAXPAYER ID #	
THIRD OWNER/PARTNER/SHAREHOLDER/OFFICER'S NAME (Attach Additional Sheets if Needed)				AREA CODE/PHONE NO.			
MAILING ADDRESS				CITY			
STATE	ZIP CODE	DATE OF BIRTH:	MONTH	DAY	YEAR	TAXPAYER ID #	

SECTION 3 LESSEE INFORMATION (INFORMATION ON PERSON LEASING A VESSEL)

LESSEE NAME		DATE OF BIRTH OR DATE CORP. FILED		TAXPAYER ID #		
		MONTH	DAY	YEAR		
MAILING ADDRESS		CITY		AREA CODE/PHONE NO.		
STATE	ZIP CODE	TAXPAYER IDENTIFICATION NUMBER	LEASE EXPIRATION DATE	MONTH	DAY	YEAR

SECTION 4 GEAR INFORMATION

How do you store your shrimp on board your vessel? Freezer ☐ Ice ☐

How do you harvest your shrimp? ☐ Shrimp Trawl ☐ Other type of harvesting gear _____

SECTION 5 SIGNATURE (All Applications must be signed and dated)

The undersigned certifies that he/she meets all applicable requirements for the requested permit.

Owner's Signature:	Date Signed:
Position Title if Vessel is Owned by a Corporation/Partnership:	Revised: 06/17/2003

INSTRUCTIONS (Incomplete or illegible applications will be returned.)

1. Sections 1, 2, 4, and 5 must be completed or application will be returned. Complete Section 3 only if applicable. You must submit taxpayer identification number in Section 2 and, if applicable, Section 3 (i.e., Social Security number for individuals, and Federal ID number for corporations)

2. The application fee is **\$50**. A **non-refundable** check or money order made payable to the **U.S. TREASURY** must accompany each application.

3. The following information must accompany the application to be considered complete: **copy of current U.S. Coast Guard Documentation or state registration** and check/money order in the amount of \$50. Provide a copy of the current lease agreement, and active articles of incorporation and annual business report, where applicable (see Sections 2 and 3 below). The application package must be mailed to: NOAA Fisheries (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702. If you have a question regarding the application or qualification criteria, please call 727/570-5326 between 8 am - 4:30 pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a Federal Express mailing label complete with your physical delivery address (Post Office Box addresses are not acceptable for Federal Express mailings), telephone number, and account number, or credit card number with expiration date.

Please Note: In accordance with Federal regulations, any change in your permit information must be reported to the NOAA Fisheries Regional Administrator within 30 days of the change.

SECTION 1 Most applicable information can be found on the U.S. Coast Guard Documentation or State Registration for the vessel.

SECTION 2 Enter the information of the person shown as the “**owner**” on the vessel’s certificate of documentation or, if not documented, on the state registration certificate. If the person shown as the “**owner**” is a corporation or partnership, enter the Federal ID number and date the corporation/partnership was formed; all officers and/or shareholders of the corporation must also be listed (address, phone numbers, birth dates). If the vessel is owned by more than one person, all partners must be listed. **Attach an additional sheet of paper if necessary to list all officers, shareholders, and/or partners.** If the vessel is corporately owned, a copy of the Articles of Incorporation and a copy of the active annual business report must be submitted. **An inactive corporation will not be issued a permit.**

SECTION 3 Complete this section only when the vessel is being operated under a lease or other written management agreement that bestows control over the destination, function or operation of the vessel to a person other than the vessel owner shown in Section 2 of this application. Enter the date of expiration of the lease or written management agreement. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the permit. You must submit a copy of current lease agreement that is signed by all parties.

SECTION 4 Indicate in the space provided, the method used to store shrimp onboard the fishing vessel, and the type of gear you use to harvest shrimp in the Gulf of Mexico.

SECTION 5 The application must be signed by the vessel owner applying for the license. If corporate/partnership owned, the application must be signed by an officer or shareholder of the corporation.

KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert Sadler, NOAA Fisheries, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



U.S. DEPARTMENT OF COMMERCE, NOAA
NMFS PERMITS TEAM, F/SER22
9721EXECUTVE CENTER DRIVE N.
ST. PETERSBURG, FL 33702
727/570-5326 (8am - 4:30pm EST)

OMB NO. 0648-0205
Approval Expires:

FEDERAL PERMIT APPLICATION
VESSELS FISHING FOR WRECKFISH OFF THE SOUTH ATLANTIC STATES

APPLICATION FEE: \$50.00

REPLACEMENT FEE: \$18.00

FOR OFFICE USE ONLY

CHECK/MONEY ORDER NO.

EXP. DATE:

REVIEWER'S INITIALS/DATE:

VIOLATION NO./DATE:

CLEARED DATE/INITIALS:

NON-REPORTING HOLD DATE:

CLEARED DATE:/INITIALS:

APRIL 16, 2003 - JANUARY 14, 2004

SECTION 1 VESSEL INFORMATION (please type or print legibly)

Official No. (Coast Guard Doc. or State Registration No.)

Name of Vessel

Home Port (City & State)

Length (ft.)

Horsepower

SECTION 2 WRECKFISH SHAREHOLDER INFORMATION (required)

Shareholder Name

Shareholder Certificate No.

Area code/Phone No.

Mailing Address

Taxpayer Identification No.

City

State

Zip Code

Federal ID No.

Date of Birth or Date Corporation Formed: Month

Day

Year

SECTION 3 APPLICANT INFORMATION (please type or print legibly)

Owner's Name

Area code/Phone No.

Mailing Address

City

State

Zip Code

Federal ID No.

Date of Birth or Date Corporation Formed: Month

Day

Year

SECTION 4 CERTIFICATION AND SIGNATURE OF APPLICANT

If the wreckfish shareholder is not the vessel owner, the undersigned certifies and documents that the vessel owner or operator is an employee, contractor, or agent of the shareholder.

Shareholder's Signature

Date

Name (print)

Position, if owner is a Corporation/Partnership

GENERAL INSTRUCTIONS

For a person aboard a fishing vessel to fish for wreckfish in the exclusive economic zone (EEZ), possess wreckfish in or from the EEZ, off load wreckfish from the EEZ, or sell wreckfish in or from the EEZ, a vessel permit for wreckfish must be issued to the vessel and be on board. An application for a vessel permit for wreckfish must be submitted and signed by a wreckfish **shareholder**.

1. Type or print legibly in ink. **INCOMPLETE OR UNREADABLE APPLICATIONS WILL BE RETURNED.**
2. The fee is **\$50** for each permit application. The fee is **non-refundable**. All checks or money orders must be made payable to the **U.S. TREASURY**.
3. Mail the completed application, copy of the vessel's **current** certificate of documentation if documented with the Coast Guard or, if not documented, the state registration certificate, and a check or money order for \$50 to the: **National Marine Fisheries Service (F/SER22), 9721 Executive Center Drive N., St. Petersburg, FL 33702.**
4. The Regional Director may require the wreckfish shareholder to provide documentation supporting the certification in Section 4. Such required documentation may include copies of appropriate forms and schedules from the shareholder's income tax return; articles of incorporation for a corporate-owned vessel; a partnership agreement for a partnership-owned vessel; a lease on a vessel for which a permit is requested; or an employment or other contract, or agency agreement that demonstrates an agency, employment, or contract relationship between the wreckfish shareholder and vessel owner or operator.
5. If the permit is lost, a replacement may be obtained by writing to the above address. The fee is **\$18** for a replacement permit.
6. Questions may be phoned to **727/570-5326** between 8:00am and 4:30pm, EST., Monday - Friday.

APPLICATION INSTRUCTIONS

Each section displays the required data elements. You must provide each data element as indicated in each section

SECTION 1 **Vessel Name**: The name of the vessel as shown on the Coast Guard certificate of documentation or state registration certificate.

Official Number (Coast Guard Documentation or State Registration Number): The vessel's U.S. Coast Guard certificate of documentation number or, if not documented, the state registration certificate number.

Home Port: Place where you keep your vessel, not necessarily the home port shown on the Coast Guard documentation.

Vessel Length (ft.): The registered length as shown on the Coast Guard documentation or state registration certificate.

SECTION 2 **Wreckfish Shareholder Date of Birth/Date Corporation Formed**: If the shareholder is an individual, print the date of birth. If the shareholder is a corporation or partnership, print the date (month/day/year) the corporation or partnership was formed.

Taxpayer Identification Number: If shareholder is an individual, enter the Social Security Number. If the person shown as the "shareholder" is a corporation or partnership, enter the Federal ID number.

SECTION 3 **Owner's Name**: Individual or corporate name of vessel owner as shown on the Coast Guard documentation or state registration certificate.

Owner's Federal ID Number: If the owner is a corporation or partnership, print the Federal employer identification number.

Owner's Date of Birth/Date Corporation Formed: If the owner is an individual, print the date of birth. If the owner is a corporation or partnership, print the date (month/day/year) the corporation or partnership was formed.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service (F/SER22), 9721 Executive Center Drive N., St. Petersburg, FL. The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, FL 33702
727/570-5326; FAX 727/570-5490
<http://caldera.sero.nmfs.gov>

F/SER22:BS

Dear Wreckfish Limited Entry System Participant:

Enclosed you will find:

1. Copy of wreckfish limited entry system regulations
2. List of shareholders
3. Vessel permit application
4. 2003-2004 coupons
5. Coupon distribution sheet
6. Instructions for filling out coupons
7. List of wreckfish dealers

Please carefully review the coupon distribution sheet and your coupons. If you have questions about the computation of your ITQ or the number of coupons you received, give me a call. We will send updated lists of vessels and dealers as permits are issued.

Please review the procedures for selling coupons to other shareholders on the enclosed **"INSTRUCTIONS FOR FILLING OUT COUPONS"**. We will contact you individually if we have questions on coupons. We will send everyone a summary report of coupon and logbook data within a month or two.

Sincerely,

Robert Sadler
Fishery Management Specialist

Enclosure

Public reporting burden for completing a coupon is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Name and address information will be distributed via a NOAA Internet website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB No. 0648-0205
Approval Expires:

Fisherman

Transfer Record

Buyer Signature	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Certificate #	

Buyer Signature	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Certificate #	

Cancellation

Vessel Permit Number

1	0	1	2	3	4	5	6	7	8	9
2	0	1	2	3	4	5	6	7	8	9
3	0	1	2	3	4	5	6	7	8	9

Signature	Date
-----------	------



4553391

Fish House

Cancellation

Vessel Permit Number

1	0	1	2	3	4	5	6	7	8	9
2	0	1	2	3	4	5	6	7	8	9
3	0	1	2	3	4	5	6	7	8	9

Federal Dealer Permit Number

1	0	1	2	3	4	5	6	7	8	9
2	0	1	2	3	4	5	6	7	8	9
3	0	1	2	3	4	5	6	7	8	9

Indicate Cancellation Month

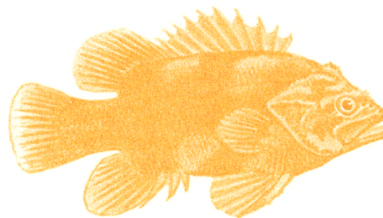
1	2	3	4	5	6	7	8	9	10	11	12
---	---	---	---	---	---	---	---	---	----	----	----

Buyer Signature	Date
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4553391

NMFS/SER



WRECKFISH ITQ 100 LBS.

April 16, 2003 - Jan. 14, 2004

Instructions for Use

1. Coupon denominations are eviscerated weight of wreckfish.
2. Coupons may only be bought by shareholder. Buyer must sign coupon and provide shareholder certificate number.
3. Prior to landing, signature, date, and vessel permit number must be completed on the "Fisherman" portion.
4. "Fish House" portion must be provided to dealer when wreckfish is sold.
5. Fisherman and dealer must return used portion of coupon to NMFS with required reports.

WRECKFISH ITQ 100 LBS. NMFS/SER

April 16, 2003 - Jan. 14, 2004

CP22-1317 (C3.F3) Printed in the U.S.A.
★ U.S. GOVERNMENT PRINTING OFFICE: 2002—556-201

FEDERAL PERMIT APPLICATION FOR VESSELS FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) FOR GOLDEN CRAB						OMB No. 0648-0205 Approval Expires:						
U.S. DEPARTMENT OF COMMERCE, NOAA NMFS PERMITS TEAM, F/SER22 9721 EXECUTIVE CENTER DRIVE N. ST. PETERSBURG, FL 33702 727/570-5326 (8am - 4:30pm EST)												
						FOR OFFICE USE ONLY						
						CHECK/MONEY ORDER INFO:					EXP. DATE:	
						FLOY TAG CHECK/MONEY ORDER NO.:			REVIEWER'S INITIALS:			
						NON-REPORTING HOLD DATE		VIOLATION HOLD DATE:		QUALIFIER:		
						CLEARED DATE/INITIALS:						
								GEARS: 1. 2. 3. 4.		FISHERIES: 1. 2. 3. 4.		
SECTION 1 VESSEL INFORMATION (please print legibly or type) Coast Guard Doc. and/or State Registration must be provided												
NAME OF VESSEL			CG DOC. OR STATE REG. NO. (OFFICIAL NUMBER)			HULL IDENTIFICATION NUMBER						
LENGTH (FT.)		ENGINE HORSEPOWER		HOLD CAPACITY (TONS)		GROSS & NET TONNAGE		HULL TYPE				
HOME PORT (CITY & STATE)				FUEL CAPACITY (Gal.)		YEAR BUILT		PASSENGER CAPACITY				
SECTION 2 DOCUMENTED/STATE REGISTERED OWNER INFORMATION If additional space is needed, please attach a separate sheet of paper if more than three owners.												
OWNER NAME (If Individual, last name/first name/middle name)						<input type="checkbox"/> DATE OF BIRTH MONTH		<input type="checkbox"/> DATE CORPORATION FILED DAY YEAR				
MAILING ADDRESS					CITY							
COUNTY			STATE	ZIP CODE		TELEPHONE		TAXPAYER #ID				
2 ND OWNER NAME (if applicable) (If Individual, last name/first name/middle name)						<input type="checkbox"/> DATE OF BIRTH MONTH		<input type="checkbox"/> DATE CORPORATION FILED: DAY YEAR				
3 RD OWNER NAME (if applicable) (If Individual, last name/first name/middle name)						<input type="checkbox"/> DATE OF BIRTH MONTH		<input type="checkbox"/> DATE CORPORATION FILED: DAY YEAR				
SECTION 3 LEASE INFORMATION												
LESSEE NAME (If Individual, last name/first name/middle name)						<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATION		AREA CODE/PHONE NO.				
MAILING ADDRESS					CITY							
STATE	ZIP CODE		FEDERAL ID NO.		LESSEE DATE OF BIRTH		LEASE EXPIRATION DATE:		MONTH	DAY	YEAR	
SECTION 4 COMPLETE IF VESSEL IS CORPORATE OWNED OR PARTNERSHIP												
If applying for a PERMIT and the vessel owner is a corporation or partnership, provide the names, addresses, and dates of birth of the shareholders or partners on the lines provided. If more space is needed, please attach an additional sheet of paper.												
1. _____						2. _____						
_____						_____						
_____						_____						
SECTION 5 DESIGNATED FISHING ZONE												
<div><input type="checkbox"/> NORTHERN ZONE South Atlantic EEZ N. of 28 degrees N. lat. to the North Carolina/Virginia boundary</div> <div><input type="checkbox"/> MIDDLE ZONE South Atlantic EEZ From 25 degrees N. Lat. to 28 degrees N. lat.</div> <div><input type="checkbox"/> SOUTHERN ZONE South Atlantic EEZ South of 25 degrees N. lat.</div>												

SECTION 6 TRAP INFORMATION

If you have an existing color code for any trap/pot fishery, list here.

COLOR CODE:

COLOR CODE: _____

If no existing color code, insert choice (white is not an acceptable color code): _____

Trap/Pot Information:

No. of traps	Length x Width x Height (in.)
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SECTION 7 OTHER FISHERIES

Select by letter up to 4 fisheries in which the vessel participates. List fisheries in the order of the value of fish sold.

1. _____ 2.. _____ 3. _____ 4. _____
a. Golden Crab f. Spiny Lobster

- b. King mackerel
c. Reef fish
d. Shark
e. Swordfish/Tuna
- g. Shrimp
h. Spanish Mackerel
i. Stone Crab
j. Other (specify) _____

SECTION 8 SIGNATURE (All applications must be signed and dated)

The undersigned certifies that he/she (1) meets any applicable requirement for a permit, as shown on the attached instructions.

Owner's Signature	Date:
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Name: (print legibly or type)		Position, if owner's a corporation/partnership:	
-------------------------------	--	---	--

	Rev. 08/15/2003
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GENERAL INFORMATION ON THE SOUTH ATLANTIC GOLDEN CRAB FISHERY

The South Atlantic EEZ is divided into three fishing zones as follows: (i) northern zone; (ii) middle zone; and (iii) southern zone. Permits have been issued for a single zone. **Effective May 3, 2002, through May 3, 2005**, a vessel with a documented overall length greater than 65 ft with a southern zone permit may fish in that zone (except in the subzone – see below), **and may also fish in the northern zone without changes to the vessel permit; such vessel may discontinue fishing in the northern zone and return to fish in the southern zone without changes to the vessel permit.** A vessel with a permit to fish for golden crab in the northern zone or the middle zone will continue to be authorized to fish only in that zone. A vessel may possess golden crab only in a zone in which it is authorized to fish under this measure, except that other zones may be transited if the vessel notifies NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-570-5344) in advance of the fishing trip.

The historical (5,000-lb.) catch requirement for renewing a commercial vessel permit for golden crab is no longer in effect.

Renewal of your vessel's golden crab permit is automatic (without application) every other year for a vessel owner who has met the specific requirements for the requested permit; who has submitted all reports required under the Magnuson-Stevens Act; and who is not subject to a sanction or denial. **During the year 2002 and subsequent years when an application is required, a commercial vessel permit will not be renewed if the permit is revoked or if NMFS does not receive the required application for renewal by June 30 of that year (i.e., within six months after the permit's expiration date of December 31 each year).** During the year 2003 and subsequent years when an application is not required, a commercial vessel permit will not be automatically renewed if the permit is revoked (i.e., subject to a sanction or denial). Your permit's expiration date is shown on the permit.

To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented overall length, or aggregate documented overall lengths, of the replaced vessel(s) by more than 20 percent. The owner of a vessel permitted for the middle or southern zone who has requested that NMFS transfer that permit to a smaller vessel (i.e., downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing. **There are no vessel size limitations to obtain a permit for the northern zone via transfer.**

Effective through June 3, 2005, upon request, NMFS will change a vessel permit back to the southern zone for an owner of a vessel, or the subsequent owner of a vessel, whose permit was changed from the southern zone to the northern zone provided that the documented length overall of the vessel to be used in the southern zone is not more than 20 percent greater than the vessel whose permit was originally changed from the southern zone to the northern zone.

A small-vessel sub-zone is established within the southern zone bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long. No vessel with a documented length overall greater than 65 ft may fish for golden crab in this sub-zone. A vessel with a documented length overall of 65 ft or less that is permitted for the southern zone may fish for golden crab only in this sub-zone.

INSTRUCTIONS (Incomplete or illegible applications will be returned.)

1. Blocks in Sections 1, 2, 5, and 8 must be completed or application will be returned. All other sections must be completed, if applicable.
2. The application fee is **\$40 for the golden crab fishery** and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application.
3. Mail the application, **copy of current Coast Guard Certificate of Documentation/state registration (must be provided with every application, even if state registration has a multiple year expiration date)**, check(s)/money order(s), if vessel is owned by a corporation, must provide a copy of ACTIVE Articles of Incorporation to: **NMFS (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702**. Questions may be phoned to Robert Sadler, 727/570-5326 between 8am - 4:30pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a **FEDERAL EXPRESS** air bill, complete with your delivery address, telephone number, and your FEDEX account number or credit card number with expiration date.

In accordance with Federal regulations, any change in your permit information must be reported to the NMFS Regional Administrator within 30 days of the change.

SECTION 1 Enter name, official number, and length of vessel as they appear on the Coast Guard documentation or, if not documented, on the state registration certificate. Under "Home Port", enter the city and state where the vessel is customarily kept, not necessarily the home port on a certificate of documentation.

SECTION 2 Enter the information of the person shown as the "**owner/qualifier**" from the Coast Guard documentation or, if not documented, from the state registration certificate, if more than one owner, please list additional owners in space provided for 2nd or 3rd owners and if additional space is needed, please attach additional sheet of paper. If owner/qualifier is an individual, enter the Social Security number. If the person shown as the "**owner**" is a corporation or partnership, enter the Federal ID number and date the corporation/partnership was formed. If a corporate owned vessel, submit ACTIVE Articles of Incorporation along with other requested information. If corporations are in an INACTIVE status, permits will not be issued.

SECTION 3 Complete this section only when the vessel is being operated under a lease or other written management agreement that bestows control over the destination, function or operation of the vessel to a person other than the person shown in Section 2. Enter the date of expiration of the lease or written management agreement. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the permit. Provide a copy of the signed (both parties) and dated lease agreement. We recommend that the lease agreement end at the end of a month.

SECTION 4 Complete this section if vessel is corporate or partnership owned.

SECTION 5 Select only one fishing zone in which you fish.

SECTION 6 Complete this section only if you fish with traps/pots in the golden crab fishery off the southern Atlantic states. **A separate check or money order for trap/pot tags (\$1.30 per tag) payable to FLOY TAG is required only if you wish to purchase trap tags.** Tags will be mailed directly to you from Floy Tag and will not accompany the permit package.

SECTION 7 The information in this section is a data collection requirement, please complete.

SECTION 8 The application must be signed by the vessel owner.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702. The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**FEDERAL PERMIT/CERTIFICATE APPLICATION TO
FISH IN COLOMBIAN TREATY WATERS**

U.S. DEPARTMENT OF COMMERCE, NOAA
NMFS PERMITS TEAM, F/SER22
9721 Executive Center Drive N.
St. Petersburg, FL 33702
727/570-5326 (8am-4:30pm EST)



OMB No. 0648-0205

Approval Expires:

January 1, 2004 - December 31, 2004**FOR OFFICE USE ONLY**

PERMIT NUMBER:

EXP. DATE:

REVIEWER'S INITIALS/VIO #:

VIOLATION #:

PROVIDE THE FOLLOWING REQUIRED INFORMATION:

1. Attach a current copy of the vessel's U. S. Coast Guard certificate of documentation. If not documented, attach a current copy of the vessel's State Registration certificate.
2. If vessel is corporate owned, attach a copy of the Articles of Incorporation and a copy of the most recent Active annual business report. **An inactive corporation will not be issued a permit.**
3. If owner/qualifier is an individual, enter the Social Security number. If the person shown as the "owner" is a corporation or partnership, enter the Federal ID number. Sign and date the form and mail it with all required copies to the address listed above.

SECTION 1 VESSEL INFORMATION

OFFICIAL NUMBER (Coast Guard # or State Registration #)

VESSEL NAME

RADIO CALL SIGNAL

HULL COLOR

SUPERSTRUCTURE COLOR

SAILS

☐ YES☐ NO**SECTION 2 VESSEL OWNER INFORMATION**

OWNER'S NAME

AREA CODE/PHONE NO.

MAILING ADDRESS

CITY

STATE

ZIP CODE

TAXPAYER ID NO.

SECTION 3 ADDITIONAL INFORMATION

PRINCIPAL PORT OF LANDING OF FISH TO BE TAKEN FROM TREATY WATERS:

PRIMARY SPECIES OF FISH TO BE TAKEN FROM TREATY WATERS:

PRIMARY FISHING GEAR TO BE USED IN TREATY WATERS:

SECTION 4 OWNER'S SIGNATURE

SIGNATURE

DATE:

NAME (print):

Revised: 08/20/2003

PLEASE TYPE OR PRINT YOUR INFORMATION ABOVE LEGIBLY

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702. The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

KNOWINGLY SUPPLYING FALSE INFORMATION FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.



U.S. DEPARTMENT OF COMMERCE, NOAA
NMFS PERMITS TEAM, F/SER22
9721 EXECUTIVE CENTER DRIVE N.
ST. PETERSBURG, FL 33702
727/570-5326 (8am - 4:30pm EST)

OMB No. 0648-0205
Approval Expires:

FEDERAL PERMIT APPLICATION FOR ANNUAL DEALER PERMIT

	FOR OFFICE USE ONLY	
	CHECK/MONEY ORDER INFO:	
	EXP. DATE:	REVIEWER'S INITIALS:
	VIOLATION #/DATE:	CLEARED DATE/INITIALS:

PLEASE READ INSTRUCTIONS ON REVERSE

SECTION 1 DEALER/BUSINESS INFORMATION (please print legibly or type)

BUSINESS NAME	TAXPAYER ID NO.	DATE BUSINESS FORMED	MONTH	DAY	YEAR
MAILING ADDRESS		AREA CODE/PHONE NO.			
CITY		STATE	ZIP CODE		

SECTION 2 LIST THE FACILITIES WHERE FISH ARE RECEIVED (if different from Section 1)

BUSINESS NAME	AREA CODE/PHONE NO.				
ADDRESS					
CITY		STATE	ZIP CODE		
BUSINESS NAME	AREA CODE/PHONE NO.				
ADDRESS					
CITY		STATE	ZIP CODE		

SECTION 3 APPLICANT INFORMATION

NAME	POSITION				
ADDRESS					
CITY		STATE	ZIP CODE		
AREA CODE/PHONE NO.	DATE OF BIRTH:	MONTH	DAY	YEAR	

SECTION 4 SELECT TYPE OF DEALER FISHERY(IES)

\$100.00 FOR THE FIRST FISHERY SELECTED; \$25.00 FOR EACH ADDITIONAL FISHERY SELECTED

☐ GOLDEN CRAB (South Atlantic) (GC)

☐ REEF FISH (Gulf of Mexico) (RD)

☐ ROCK SHRIMP (South Atlantic) (RS)

☐ SNAPPER-GROUPER EXCLUDING WRECKFISH (South Atlantic) (SG)

☐ SHARK (SH)

☐ SWORDFISH (SD)

☐ WRECKFISH IN SOUTH ATLANTIC ONLY (WD)

IF YOU ARE APPLYING FOR SWORDFISH and/or SHARK, and the dealer/business is a corporation or partnership, provide names, mailing addresses and dates of birth of the two principal shareholders or partners on the lines provided below.

1. _____

2. _____

SECTION 5 PROVIDE INFORMATION CONCERNING OTHER LICENSE(S)

If you have a Northeast Region dealer permit, provide the number:

List all dealer license number(s) along with the state: 1.	2.	3.	4.
--	----	----	----

SECTION 6 APPLICANT SIGNATURE

SIGNATURE:	DATE:
NAME: (print legibly or type)	

ACTIVITIES FOR WHICH PERMITS ARE REQUIRED

GOLDEN CRAB (South Atlantic)	Under 50 CFR 622.4, a dealer who receives South Atlantic golden crab harvested in the EEZ off the Southern Atlantic states must obtain an annual dealer permit.
REEF FISH (Gulf of Mexico)	Under 50 CFR 622.4, a dealer who receives reef fish harvested from the EEZ of the Gulf of Mexico must obtain an annual dealer permit.
ROCK SHRIMP (South Atlantic)	Under 50 CFR 622.4, a dealer who receives rock shrimp harvested in the EEZ off the Southern Atlantic states must obtain an annual dealer permit.
SNAPPER-GROUPER (South Atlantic)	Under 50 CFR 622.4, a dealer who receives South Atlantic snapper-grouper, excluding wreckfish, harvested in the EEZ off the Southern Atlantic states must obtain an annual dealer permit.
SHARK	Under 50 CFR 635.5, a dealer who receives sharks from the Western North Atlantic Ocean including the Gulf of Mexico and the Caribbean Sea must obtain an annual dealer permit.
SWORDFISH	Under 50 CFR 635.5, a dealer who receives a swordfish harvested from the North Atlantic swordfish stock, or who imports swordfish harvested from any ocean area, must obtain an annual dealer permit.
WRECKFISH (South Atlantic)	Under 50 CFR 622.4(a)(4), a dealer who receives a wreckfish harvested from the South Atlantic must obtain an annual dealer permit.

INSTRUCTIONS

1. Mail the completed application, copy of state wholesaler's license (not required for swordfish importer), and a check or money order to: **National Marine Fisheries Service (F/SER22), 9721 Executive Center Drive N., St. Petersburg, FL 33702.** Questions may be phoned to 727/570-5326 between 8am - 4:30pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a **FEDERAL EXPRESS** air bill, complete with your delivery address, telephone, and your FEDEX account number or credit card number.

States required to submit wholesale license: Alabama, California, Florida, Georgia, Louisiana, Massachusetts, Maryland, Maine, Pennsylvania, Rhode Island, South Carolina, Texas, and Virgin Island.

2. The application fee is **\$100** for the first fishery and **\$25** for each additional fishery and is **non-refundable**. A check or money order payable to the **U.S. TREASURY** must accompany each application. The fee for a replacement permit is **\$18**. Complete all lines or sections that apply for the type(s) of fishery(ies) requested. Select only those your business will need. **Certain fisheries require mandatory reporting requirements.**

In accordance with Federal regulations, any change in your permit information must be reported to the NMFS Regional Administrator within 30 days of the change.

SECTION 1 Print or type the name of business and address as shown on your business license. If business is corporate owned, submit ACTIVE Articles of Incorporation if a new business, if business is already established, copy of Annual Business Report must be provided. If corporation is in an INACTIVE status, permits will not be issued. Print or type the number assigned to your firm by the Internal Revenue Service, if one has been assigned.

SECTION 2 Location of facilities where fish are received. If different from Section 1, provide the address of each facility at a fixed location where the business receives fish. We cannot accept a Post Office Box address.

SECTION 3 Print or type the name, address, telephone, and date of birth of the person that is applying for the permit. Indicate the applicant's position in the firm.

SECTION 4 Select only those fisheries that are required. **For renewal of applications, no permit(s) will be issued until all required logbook reports have been received in Miami.**

SECTION 5 Provide information concerning other license(s). If you have a Northeast Region dealer permit, provide the number and list all dealer license number(s) along with the state.

SECTION 6 The application must be signed by the applicant in appropriate blocks or application will be returned.

KNOWINGLY SUPPLYING FALSE INFORMATION FOR THE PURPOSE OF OBTAINING A DEALER PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Robert A. Sadler, Southeast Regional Office, National Marine Fisheries Service (F/SER22), 9721 Executive Center Drive N., St. Petersburg, FL 33702.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries Website for informational purposes. All other data submitted will be handled as Confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.



U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE, SOUTHEAST REGION
9721 EXECUTIVE CENTER DRIVE N. F/SER22
ST. PETERSBURG, FL 33702
727/570-5326 (8am - 4:30pm EST)

OMB No. 0648-0205
Approval Expires:

FEDERAL PERMIT APPLICATION TO HARVEST AQUACULTURED LIVE ROCK IN THE EEZ

☐ **NEW:** APPLICATION FEE: \$175
☐ **RENEWAL:** APPLICATION FEE: \$31

February 28, 2003-February 29, 2004
FOR OFFICE USE ONLY

CHECK INFORMATION:

EXP. DATE:

REVIEWER'S INITIALS/MIO #:

HOLD DATE:

NON-REPORTING HOLD DATE:

NON-REPORTING CLEARED DATE:

SECTION 1 APPLICANT INFORMATION

Applicant's Name

Area Code/Phone No.

Address

City

State

Zip Code

Taxpayer ID No.

Date of Birth/Date Corp. Formed

Florida SPL #(s)

Affiliation (if any) (Business, University, Government Agency) and Address:

SECTION 2 SITE INFORMATION

LOCATION: Identify the site with accurate coordinates using LORAN or Global Positioning System (GPS) equipment.
GPS POSITION **LORAN COORDINATES**

LATITUDE

LONGITUDE

W:

X:

Y:

Z:

SECTION 3 VESSEL INFORMATION (please type or print legibly)

VESSEL 1

Official Number (Coast Guard # or State Registration #)

Vessel Name

Vessel Length (ft.)

Home Port (City & State)

Port of Landing (City & State)

Engine Horsepower

Hold Capacity (tons)

Live Well Capacity (gal)

VESSEL 2

Official Number (Coast Guard # or State Registration #)

Vessel Name

Vessel Length (ft.)

Home Port (City & State)

Port of Landing (City & State)

Engine Horsepower

Hold Capacity (tons)

SECTION 4 APPLICANT'S SIGNATURE

Signature:

DATE:

NAME (print):

Position, if incorporated:

GENERAL INSTRUCTIONS

1. Type of print legibly in ink. Incomplete or unreadable applications will be returned.
2. An applicant for an aquacultured live rock permit must identify each vessel (if additional space is needed, attach a separate sheet of paper) that will be depositing material on or harvesting aquacultured live rock from the proposed aquacultured live rock site, must specify the port of landing of aquacultured live rock, and must provide a site evaluation report prepared pursuant to generally accepted industry standards and a sample of rock to be deposited.

For a site within a National Marine Sanctuary, the application must be accompanied by written approval of the site location by the appropriate sanctuary program office.

3. Questions may be telephoned to (727) 570-5326.
4. Mail the completed application and check (payable to U.S. Treasury) to:

**National Marine Fisheries Service
9721 Executive Center Drive N., F/SER22
St. Petersburg, FL 33702**

5. The owner of a permitted vessel must notify the Regional Director within 30 days after any changes in the application information. The permit is VOID if any change in the information is not reported within 30 days.

APPLICATION INSTRUCTIONS

SECTION 1 - If the applicant is a corporation or partnership, enter the Federal ID number and date the corporation/partnership was formed. If owner/qualifier is an individual, enter the Social Security number. Give affiliation (name and address), if any.

SECTION 2 - If first time applicant, a site evaluation report and sample of rock to be deposited must be submitted by the applicant showing that the site meets the following criteria: (a) avoids hazards to safe navigation or hindrance of vessel traffic, traditional fishing operations, or other public access; and (b) avoids impacts on naturally occurring hard bottom habitats, i.e., natural underlying substrata should be primarily hard packed sand, hard shell hash, or rock covered by sand not more than 6 inches deep.

LOCATION - Identify site using LORAN coordinates or Global Positioning System (GPS).

SECTION 3 - Enter official number, vessel name and length of vessel as they appear on documentation or, if not documented, on the state registration certificate. Under "Home Port", enter the city and state where the vessel is customarily kept, not necessarily the home port on the certificate of documentation, and enter the Port of Landing.

SECTION 4 - An application for a permit must be signed by the applicant, or an officer or shareholder for a corporate vessel, or a general partner of a partnership.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Robert Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702. The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries Website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

SITE EVALUATION REPORT

LOCATION: Identify the site with accurate coordinates using LORAN or Global Positioning System (GPS) equipment.

GPS POSITION

LATITUDE	LONGITUDE
----------	-----------

LORAN COORDINATES

W.	X.	Y.	Z.
----	----	----	----

SIZE: Sites **MUST NOT** individually or cumulatively total more than one acre (43,560 sq. ft.). Sites will be round, centered at the above point with a radius not to exceed 0.019 nautical miles or 117.75 feet.

RADIUS

--

You must show this site on the largest scale nautical chart of the area in sufficient detail to allow for site inspection.

1) Discuss possible hazards to safe navigation or hindrance to vessel traffic, interference with traditional fishing operations or other public access that may result from aquacultured rock at the site.

2) Describe the naturally occurring bottom habitat at the site.

3) Specify the type, size, amount and origin (where acquired and geological origin) of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate. **Provide sample of material to be deposited.**

Experience/Qualification of Preparer:

Taxpayer ID #

Preparer Signature:

Date:

GENERAL INSTRUCTIONS

1. A site evaluation report must be submitted by the applicant to the National Marine Fisheries Service, Permit Branch, Southeast Regional Office, 9721 Executive Center Drive N., Suite 105, St. Petersburg, FL 33702. The report, which may include videotapes of underwater surveys, shall be prepared by an independent source pursuant to generally accepted industry standards and shall demonstrate that the proposed site:
 - a. Is not a hazard to safe navigation or a hinderance to vessel traffic; and
 - b. avoids traditional fishing operations, or other public access; and
 - c. avoids impacts to naturally occurring hard bottom habitat and submerged aquatic vegetation; and
 - d. contains natural underlying substrata that is primarily hard packed sand, hard shell hash, or rock covered by sand not more than 6 inches deep.
2. The applicant shall identify the site on a nautical chart in sufficient detail to allow for site inspection, and shall provide accurate coordinates so that the site can be located by LORAN or Global Positioning System (GPS) equipment. Site inspection may be required on a case by case basis.
3. Sites which individually or cumulatively total more than one acre will not be authorized. Multiple sites shall be contained within the one-acre envelope.
4. If applicant is an individual enter the Social Security number. If applicant is a corporation or partnership, enter the Federal Tax ID number.

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Confidential name and address information will be released via a NOAA Fisheries website. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

KNOWINGLY SUPPLYING FALSE INFORMATION FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Attach
Photographs
Here

2" x 2" (no smaller)

**FEDERAL APPLICATION FOR SOUTH ATLANTIC
ROCK SHRIMP OPERATOR'S LICENSE**
U.S. DEPARTMENT OF COMMERCE, NOAA
NMFS PERMITS TEAM,F/SER22
9721 EXECUTIVE CENTER DRIVE N.
ST. PETERSBURG, FL 33702
727/570-5326 (8am - 4:30pm EST)
<http://caldera.sero.nmfs.gov>

**FOR OFFICE USE ONLY**

CHECK/MONEY ORDER NO.

REVIEWER'S INITIALS/DATE:

Expiration Date:

Fee Amount: \$50
Replacement Fee: \$18

GENERAL INSTRUCTIONS – Please provide all information requested on this application form. See application instructions for additional instructions. Type or print legibly in block letters. Submit required supporting documentation and \$50 fee made payable to: U.S. Treasury. Note that fees are non-refundable. FAILURE TO COMPLY WITH THESE INSTRUCTIONS COULD RESULT IN THE DELAY OR DENIAL OF YOUR LICENSE APPLICATION.

SECTION 1 VESSEL OPERATOR (type or print legibly)

LAST NAME		FIRST NAME	MIDDLE INITIAL
STREET ADDRESS (NO P.O. BOX ADDRESSES WILL BE ACCEPTED)		CITY	
STATE	COUNTY/PROVINCE	ZIPCODE	

SECTION 2 MAILING ADDRESS (if different from Section 1)

STREET ADDRESS/POST OFFICE BOX		CITY
STATE	COUNTY/PROVINCE	ZIPCODE

SECTION 3 PERSONAL IDENTIFYING INFORMATION

DATE OF BIRTH (MM/DD/YYYY)		TAXPAYER ID #	PLACE OF BIRTH	
SEX	EYE COLOR	HAIR COLOR	WEIGHT (lbs)	HEIGHT (ft, inches)
PHONE NUMBER				

Application Instructions

Provide two recent color, unobstructed (i.e. no sunglasses, no hats, plain background) passport size photos (2 in. X 2 in.) no more than 1 year old. Please do not staple. The ID card is good for three years unless a change in personal information shown on the card is made. You must enter your Social Security number.

If change occurs, please notify the Southeast Regional Permit office in writing with a check/money order in the amount of \$18 within 30 days of change. A new ID card will be issued with the changes.

SECTION 4 SIGNATURE (All applications must be signed and dated)

Signature	Date:
Name: (print legibly or type)	

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert A. Sadler, National Marine Fisheries Service, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson - Stevens Act. Confidential name and address information will be released via a NOAA Fisheries website. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Rev. 09/25/2003



THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED SEPTEMBER 25, 2003

50 CFR - CHAPTER III - PART 300

[View Part](#)

§ 300.123 Certificates and permits.

(a) *Applicability.* An owner of a vessel of the United States that fishes in treaty waters is required to obtain an annual certificate issued by the Republic of Colombia and an annual vessel permit issued by the Regional Administrator.

(b) *Application for certificate/permit.* (1) An application for a permit must be submitted and signed by the vessel's owner. An application may be submitted at any time, but should be submitted to the Regional Administrator not less than 90 days in advance of its need. Applications for the ensuing calendar year should be submitted to the Regional Administrator by October 1.

(2) An applicant must provide the following:

(i) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(ii) Vessel name and official number.

(iii) Name, address, telephone number, and other identifying information of the vessel owner or, if the owner is a corporation or partnership, of the responsible corporate officer or general partner.

(iv) Principal port of landing of fish taken from treaty waters.

(v) Type of fishing to be conducted in treaty waters.

(vi) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(vii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(c) *Issuance.* (1) The Regional Administrator will request a certificate from the Republic of Colombia if:

(i) The application is complete.

(ii) The applicant has complied with all applicable reporting requirements of § 300.124 during the year immediately preceding the application.

(2) Upon receipt of an incomplete application, or an application from a person who has not complied with all applicable reporting requirements of § 300.124 during the year immediately preceding the application, the Regional Administrator will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the Regional Administrator's notification, the application will be considered abandoned.

(3) The Regional Administrator will issue a permit as soon as the certificate is received from the Republic of Colombia.

(d) *Duration.* A certificate and permit are valid for the calendar year for which they are issued, unless the permit is revoked, suspended, or modified under subpart D of 15 CFR part 904.

(e) *Transfer.* A certificate and permit issued under this section are not transferable or assignable. They are valid only for the fishing vessel and owner for which they are issued.

(f) *Display.* A certificate and permit issued under this section must be carried aboard the fishing vessel while it is in treaty waters. The operator of a fishing vessel must present the certificate and permit for inspection upon request of an authorized officer or an enforcement officer of the Republic of Colombia.

(g) *Sanctions and denials.* Procedures governing enforcement-related permit sanctions and denials are found at subpart D of 15 CFR part 904.

(h) *Alteration.* A certificate or permit that is altered, erased, or mutilated is invalid.

(i) *Replacement.* A replacement certificate or permit may be issued upon request. Such request must clearly state the reason for a replacement certificate or permit.

(j) *Change in application information.* The owner of a vessel with a permit must notify the Regional

Administrator within 30 days after any change in the application information required by paragraph (b)(2) of this section. The permit is void if any change in the information is not reported within 30 days.



(7) Monitor Marine Sanctuary (15 CFR part 924).

(c) For allowable octocoral, if a state has a catch, landing, or gear regulation that is more restrictive than a catch, landing, or gear regulation in this part, a person landing in such state allowable octocoral taken from the Gulf or South Atlantic EEZ must comply with the more restrictive state regulation.

(d) General provisions on facilitation of enforcement, penalties, and enforcement policy applicable to all domestic fisheries are set forth in §§600.730, 600.735, and 600.740 of this chapter, respectively.

(e) An activity that is otherwise prohibited by this part may be conducted if authorized as scientific research activity, exempted fishing, or exempted educational activity, as specified in §600.745 of this chapter.

§622.4 Permits and fees.

(a) *Permits required.* To conduct activities in fisheries governed in this part, valid permits, licenses, and endorsements are required as follows:

(1) *Charter vessel/headboat permits.* (i) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, species in any of the following species groups, a valid charter vessel/headboat permit for that species group must have been issued to the vessel and must be on board --

(A) Gulf coastal migratory pelagic fish.

(B) South Atlantic coastal migratory pelagic fish.

(C) Gulf reef fish.

(D) South Atlantic snapper-grouper.

(ii) See paragraph (r) of this section regarding a moratorium on Gulf charter vessel/headboat permits and the associated provisions.

(iii) See paragraph (r)(12) of this section for an explanation of the requirement for the new charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish and for procedures for initial application and issuance of that permit.

(iv) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in §622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(2) *Commercial vessel permits, licenses, and endorsements* -- (i) *Fish traps in the Gulf.* For a person to possess or use a fish trap in the EEZ in the Gulf of Mexico, a commercial vessel permit for Gulf reef fish with a fish trap endorsement must have been issued to the vessel and must be on board. See paragraph (n) of this section regarding fish trap endorsements.

(ii) *Gillnets for king mackerel in the southern Florida west coast subzone.* For a person aboard a vessel to use a run-around gillnet for king mackerel in the southern Florida west coast subzone (see §622.42(c)(1)(i)(A)(3)), a commercial vessel permit for king mackerel with a gillnet endorsement must have been issued to the vessel and must be on board. See paragraph (o) of this section regarding a moratorium on endorsements for the use of gillnets for king mackerel in the southern Florida west coast

subzone and restrictions on transferability of king mackerel gillnet endorsements.

- (iii) *King mackerel*. For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for king mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application. See paragraph (q) of this section regarding a moratorium on commercial vessel permits for king mackerel, transfers of permits during the moratorium, and limited exceptions to the earned income or gross sales requirement for a permit.
- (iv) *Spanish mackerel*. For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Spanish mackerel, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.
- (v) *Gulf reef fish*. For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell Gulf reef fish in or from the Gulf EEZ, a commercial vessel permit for Gulf reef fish must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during either of the 2 calendar years preceding the application. See paragraph (m) of this section regarding a moratorium on commercial vessel permits for Gulf reef fish and limited exceptions to the earned income requirement for a permit.
- (vi) *South Atlantic snapper-grouper*. For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper in or from the South Atlantic EEZ, to engage in the directed fishery for tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), a commercial vessel permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A vessel with longline gear and more than 200 lb (90.7 kg) of tilefish on board is considered to be in the directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 lb (90.7 kg) of tilefish on board harvested such tilefish in the EEZ. See §622.18 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.
- (vii) *Wreckfish*. For a person aboard a vessel to fish for wreckfish in the South Atlantic EEZ, possess wreckfish in or from the South Atlantic EEZ, offload wreckfish from the South Atlantic EEZ, or sell wreckfish in or from the South Atlantic EEZ, a commercial vessel permit for wreckfish must have been issued to the vessel and must be on board. To obtain a commercial vessel permit for wreckfish, the applicant must be a wreckfish shareholder; and either the shareholder must be the vessel owner or the owner or operator must be an employee, contractor, or agent of the shareholder. (See §622.15 for information on wreckfish shareholders.)
- (viii) *South Atlantic rock shrimp*. (A) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ or possess rock shrimp in or from the South Atlantic EEZ, a commercial vessel permit for rock shrimp must be issued to the vessel and must be on board. (See paragraph (a)(5) of this section for the requirements for operator permits for the South Atlantic rock shrimp fishery.)

(B) In addition, effective July 15, 2003, for a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off Georgia or off Florida, a limited access endorsement for South Atlantic rock shrimp must be issued to the vessel and must be on board. See §622.19 for limitations on the issuance, transfer, renewal, and reissuance of a limited access endorsement for South Atlantic rock shrimp.
- (ix) *Gulf red snapper*. For a person aboard a vessel for which a commercial vessel permit for Gulf reef fish has been issued to retain red snapper under the trip limits specified in §622.44(d)(1) or (2), a Class 1 or Class 2 Gulf red snapper license must have

been issued to the vessel and must be on board. See paragraph (p) of this section regarding initial issue of red snapper licenses.

(x) *South Atlantic golden crab*. For a person aboard a vessel to fish for golden crab in the South Atlantic EEZ, possess golden crab in or from the South Atlantic EEZ, off-load golden crab from the South Atlantic EEZ, or sell golden crab in or from the South Atlantic EEZ, a commercial vessel permit for golden crab must be issued to the vessel and must be on board. It is a rebuttable presumption that a golden crab on board a vessel in the South Atlantic or off-loaded from a vessel in a port adjoining the South Atlantic was harvested from the South Atlantic EEZ. See §622.17 for limitations on the use, transfer, and renewal of a commercial vessel permit for golden crab.

(xi) *Gulf shrimp*. For a person aboard a vessel to fish for shrimp in the Gulf EEZ or possess shrimp in or from the Gulf EEZ, a valid commercial vessel permit for Gulf shrimp must have been issued to the vessel and must be on board.

(3) *Coral permits* -- (i) *Allowable chemical*. For an individual to take or possess fish or other marine organisms with an allowable chemical in a coral area, other than fish or other marine organisms that are landed in Florida, a Federal allowable chemical permit must have been issued to the individual. Such permit must be available when the permitted activity is being conducted and when such fish or other marine organisms are possessed, through landing ashore.

(ii) *Allowable octocoral*. For an individual to take or possess allowable octocoral in the Gulf or South Atlantic EEZ, other than allowable octocoral that is landed in Florida, a Federal allowable octocoral permit must have been issued to the individual. Such permit must be available for inspection when the permitted activity is being conducted and when allowable octocoral is possessed, through landing ashore.

(iii) *Aquacultured live rock*. For a person to take or possess aquacultured live rock in the Gulf or South Atlantic EEZ, a Federal aquacultured live rock permit must have been issued for the specific harvest site. Such permit, or a copy, must be on board a vessel depositing or possessing material on an aquacultured live rock site or harvesting or possessing live rock from an aquacultured live rock site.

(iv) *Prohibited coral*. A Federal permit may be issued to take or possess Gulf and South Atlantic prohibited coral or Caribbean prohibited coral only as scientific research activity, exempted fishing, or exempted educational activity. See §600.745 of this chapter for the procedures and limitations for such activities and fishing.

(v) *Florida permits*. Appropriate Florida permits and endorsements are required for the following activities, without regard to whether they involve activities in the EEZ or Florida's waters:

(A) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(B) Landing allowable octocoral in Florida.

(C) Landing live rock in Florida.

(4) *Dealer permits*. For a dealer to receive Gulf reef fish, golden crab harvested from the South Atlantic EEZ, South Atlantic snapper-grouper, rock shrimp harvested from the South Atlantic EEZ, or wreckfish, a dealer permit for Gulf reef fish, golden crab, South Atlantic snapper-grouper, rock shrimp, or wreckfish, respectively, must be issued to the dealer. To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(5) *Operator permits*. (i) Effective May 16, 2003, for a person to be an operator of a vessel fishing for rock shrimp in the South Atlantic EEZ or possessing rock shrimp in or from the South Atlantic EEZ, or to be an operator of a vessel that has a valid permit for South Atlantic rock shrimp issued under this section, such person must have and carry on board a valid operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.).

(ii) An owner of a vessel that fishes for rock shrimp in the South Atlantic EEZ or possesses rock shrimp in or from the South Atlantic EEZ, and an owner of a vessel that has a valid permit for rock shrimp issued under this section, must ensure that at least one person with a valid operator permit for the South Atlantic rock shrimp fishery is aboard while the vessel is at sea or offloading.

(b) *Applications for permits.* Application forms for all permits are available from the RA. Completed application forms and all required supporting documents must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective. All vessel permits are mailed to owners, whether the applicant is an owner or an operator.

(1) *Coral permits.* (i) The applicant for a coral permit must be the individual who will be conducting the activity that requires the permit. In the case of a corporation or partnership that will be conducting live rock aquaculture activity, the applicant must be the principal shareholder or a general partner.

(ii) An applicant must provide the following:

(A) Name, address, telephone number, and other identifying information of the applicant.

(B) Name and address of any affiliated company, institution, or organization.

(C) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(D) Any other information that may be necessary for the issuance or administration of the permit.

(E) If applying for an aquacultured live rock permit, identification of each vessel that will be depositing material on or harvesting aquacultured live rock from the proposed aquacultured live rock site, specification of the port of landing of aquacultured live rock, and a site evaluation report prepared pursuant to generally accepted industry standards that --

(1) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(2) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(3) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(4) Describes the naturally occurring bottom habitat at the site; and

(5) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

(2) *Dealer permits.* (i) The application for a dealer permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner).

(ii) An applicant must provide the following:

(A) A copy of each state wholesaler's license held by the dealer.

(B) Name, address, telephone number, date the business was formed, and other identifying information of the business.

(C) The address of each physical facility at a fixed location where the business receives fish.

(D) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3) *Vessel permits.* (i) The application for a commercial vessel permit, other than for wreckfish, or for a charter vessel/headboat permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner) or operator of the vessel. A commercial vessel permit that is issued based on the earned income qualification of an operator is valid only when that person is the operator of the vessel. The applicant for a commercial vessel permit for wreckfish must be a wreckfish shareholder.

(ii) An applicant must provide the following:

(A) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(B) Vessel name and official number.

(C) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(D) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(F) If applying for a commercial vessel permit, documentation, as specified in the instructions accompanying each application form, showing that applicable eligibility requirements of paragraph (a)(2) of this section have been met.

(G) If a fish trap or sea bass pot will be used, the number, dimensions, and estimated cubic volume of the traps/pots that will be used and the applicant's desired color code for use in identifying his or her vessel and buoys (white is not an acceptable color code).

(4) *Operator permits.* An applicant for an operator permit must provide the following:

(i) Name, address, telephone number, and other identifying information specified on the application.

(ii) Two recent (no more than 1-yr old), color, passport-size photographs.

(iii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(c) *Change in application information.* The owner or operator of a vessel with a permit, a person with a coral permit, a person with an operator permit, or a dealer with a permit must notify the RA within 30 days after any change in the application information specified in paragraph (b) of this section. The permit is void if any change in the information is not reported within 30 days.

(d) *Fees.* A fee is charged for each application for a permit, license, or endorsement submitted under this section, for each request for transfer or replacement of such permit, license, or endorsement, and for each fish trap or sea bass pot identification

tag required under §622.6(b)(1)(i)(B). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application, request for transfer or replacement, or request for fish trap/sea bass pot identification tags.

(e) *Initial issuance.* (1) The RA will issue an initial permit at any time to an applicant if the application is complete and the specific requirements for the requested permit have been met. An application is complete when all requested forms, information, and documentation have been received.

(2) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned.

(f) *Duration.* A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or, in the case of a vessel or dealer permit, the vessel or dealership is sold.

(g) *Transfer -- (1) Vessel permits, licenses, and endorsements and dealer permits.* A vessel permit, license, or endorsement or a dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (n) of this section for a fish trap endorsement, in paragraph (o) of this section for a Gulf king mackerel gillnet endorsement, in paragraph (p) of this section for a red snapper license, in paragraph (q) of this section for a king mackerel permit, in paragraph (r) of this section for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, in §622.17(c) for a commercial vessel permit for golden crab, in §622.18(e) for a commercial vessel permit for South Atlantic snapper-grouper, or in §622.19(e) for a commercial vessel permit for South Atlantic rock shrimp. A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for a permit, license, or endorsement in accordance with the provisions of this section. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers.

(2) *Operator permits.* An operator permit is not transferable.

(h) *Renewal -- (1) Vessel permits, licenses, and endorsements and dealer permits.* Although a vessel permit, license, or endorsement or a dealer permit required by this section is issued on an annual basis, an application for its renewal is required only every 2 years. In the interim years, renewal is automatic (without application) for a vessel owner or a dealer who has met the specific requirements for the requested permit, license, or endorsement; who has submitted all reports required under the Magnuson-Stevens Act; and who is not subject to a sanction or denial under paragraph (j) of this section. An owner or dealer whose permit, license, or endorsement is expiring will be mailed a notification by the RA approximately 2 months prior to its expiration. That notification will advise the status of the renewal. That is, the notification will advise that the renewal will be issued without further action by the owner or dealer (automatic renewal); that the permit, license, or endorsement is ineligible for automatic renewal; or that a new application is required.

(i) *If eligible for automatic renewal.* If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is eligible for automatic renewal, the RA will mail the automatically renewed permit, license, or endorsement approximately 1 month prior to expiration of the old permit, license, or endorsement.

(ii) *If ineligible for automatic renewal.* If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is ineligible for automatic renewal, the notification will specify the reasons and will provide an opportunity for correction of any deficiencies. If the owner or dealer does not correct such deficiencies within 60 days after the date of the RA's notification, the renewal will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(iii) *If new application is required.* If the RA's notification indicates that a new application is required, the notification will include a preprinted renewal application. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the

application will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(iv) *If notification is not received.* A vessel owner or dealer must contact the RA if he/she does not receive a notification from the RA regarding status of renewal of a permit, license, or endorsement by 45 days prior to expiration of the current permit.

(2) *Operator permits.* An operator permit required by this section is issued for a period not longer than 3 years. A permit not renewed immediately upon its expiration would expire at the end of the operator's birth month that is between 2 and 3 years after issuance. For renewal, a new application must be submitted in accordance with paragraph (b)(4) of this section.

(i) *Display.* A vessel permit, license, or endorsement issued under this section must be carried on board the vessel. A dealer permit issued under this section, or a copy thereof, must be available on the dealer's premises. In addition, a copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel reef fish harvested from the Gulf EEZ. The operator of a vessel must present the vessel permit, license, or endorsement for inspection upon the request of an authorized officer. A dealer or a vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer. An operator of a vessel in the South Atlantic rock shrimp fishery must present his/her operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.) for inspection upon the request of an authorized officer.

(j) *Sanctions and denials.* (1) A permit, license, or endorsement issued pursuant to this section may be revoked, suspended, or modified, and a permit, license, or endorsement application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(2) A person whose operator permit is suspended, revoked, or modified may not be aboard any fishing vessel subject to Federal fishing regulations in any capacity, if so sanctioned by NOAA, while the vessel is at sea or offloading. The vessel's owner and operator are responsible for compliance with this measure. A list of operators whose permits are revoked or suspended may be obtained from the RA.

(k) *Alteration.* A permit, license, or endorsement that is altered, erased, or mutilated is invalid.

(l) *Replacement.* A replacement permit, license, or endorsement may be issued. An application for a replacement permit, license, or endorsement is not considered a new application. An application for a replacement operator permit must include two new photographs, as specified in paragraph (b)(4)(ii) of this section.

(m) *Moratorium on commercial vessel permits for Gulf reef fish.* The provisions of this paragraph (m) are applicable through December 31, 2005.

(1) No applications for additional commercial vessel permits for Gulf reef fish will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (m)(2) through (5) of this section, and are subject to the requirement for timely renewal in paragraph (m)(6) of this section.

(2) An owner of a permitted vessel may transfer the commercial vessel permit for Gulf reef fish to another vessel owned by the same entity.

(3) An owner whose earned income qualified for the commercial vessel permit for Gulf reef fish may transfer the permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for Gulf reef fish for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income requirement not later than the first full calendar year after the permit transfer takes place.

(4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may transfer the permit to the income qualifying operator when such operator becomes an owner of a vessel.

(5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RA with an application for the changed permit.

(6) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within 1 year of the expiration date of the permit.

(n) *Endorsements for fish traps in the Gulf.* The provisions of this paragraph (n) are applicable through February 7, 2007. After February 7, 2007, no fish trap endorsements are valid.

(1) Only those fish trap endorsements that are valid on February 7, 1997, may be renewed. Such endorsements are subject to the restrictions on transfer in paragraphs (n)(2) and (3) of this section and are subject to the requirement for timely renewal in paragraph (n)(5) of this section.

(2) Through February 7, 1999, a fish trap endorsement may be transferred only to a vessel that has a commercial permit for reef fish.

(3) After February 7, 1999, a fish trap endorsement is not transferable except as follows:

(i) An owner of a vessel with a fish trap endorsement may transfer the endorsement to another vessel owned by the same entity.

(ii) A fish trap endorsement is transferable upon a change of ownership of a permitted vessel with such endorsement from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(iii) When a change of ownership of a vessel with a fish trap endorsement is directly related to the disability or death of the owner, the RA may issue such endorsement, temporarily or permanently, with the commercial vessel permit for Gulf reef fish that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Paragraphs (m)(3) and (4) of this section apply for the transfer of a commercial vessel permit for Gulf reef fish upon disability or death of an owner.)

(iv) A fish trap endorsement may be transferred to a vessel with a commercial vessel permit for Gulf reef fish whose owner has a record of landings of reef fish from fish traps in the Gulf EEZ, as reported on fishing vessel logbooks received by the SRD, from November 20, 1992, through February 6, 1994, and who was unable to obtain a fish trap endorsement for the vessel with the reported landings.

(4) The owner of a vessel that is to receive a transferred endorsement must return the originals of the endorsed commercial vessel permit for Gulf reef fish and the unendorsed permit to the RA with an application for a fish trap endorsement for his or her vessel.

(5) A fish trap endorsement that is not renewed or that is revoked will not be reissued. Such endorsement is considered to be not renewed when an application for renewal is not received by the RA within 1 year of the expiration date of the permit.

(o) *Moratorium on endorsements for the use of gillnets for king mackerel in the southern Florida west coast subzone.* (1) An initial king mackerel gillnet endorsement will be issued only if --

(i) The vessel owner was the owner of a vessel with a commercial mackerel permit with a gillnet endorsement on or before October 16, 1995; and

(ii) The vessel owner was the owner of a vessel that had gillnet landings of Gulf migratory group king mackerel in one of the two fishing years, July 1, 1995, through June 30, 1996, or July 1, 1996, through June 30, 1997. Such landings must have been documented by NMFS or by the Florida Department of Environmental Protection trip ticket system as of December 31, 1997. Only landings when a vessel had a valid commercial permit for king mackerel with a gillnet endorsement and only landings that were harvested, landed, and sold in compliance with state and Federal regulations may be used to establish eligibility.

(2) Paragraphs (o)(1)(i) and (o)(1)(ii) of this section notwithstanding, the owner of a vessel that received a commercial king mackerel permit through transfer, between March 4, 1998, and March 28, 2000, from a vessel that met the eligibility requirements in paragraphs (o)(1)(i) and (o)(1)(ii) also qualifies for an initial king mackerel gillnet endorsement.

(3) To obtain an initial king mackerel gillnet endorsement under the moratorium, an owner or operator of a vessel that does not have a king mackerel gillnet endorsement on March 28, 2000 must submit an application to the RA, postmarked or hand delivered not later than June 26, 2000. Except for applications for renewals of king mackerel gillnet endorsements, no applications for king mackerel gillnet endorsements will be accepted after June 26, 2000. Application forms are available from the RA.

(4) The RA will not issue an owner more initial king mackerel gillnet endorsements under the moratorium than the number of vessels with king mackerel gillnet endorsements that the owner owned simultaneously on or before October 16, 1995.

(5) An owner of a vessel with a king mackerel gillnet endorsement issued under this moratorium may transfer that endorsement upon a change of ownership of a permitted vessel with such endorsement from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father. Such endorsement also may be transferred to another vessel owned by the same entity.

(6) A king mackerel gillnet endorsement that is not renewed or that is revoked will not be reissued. An endorsement is considered to be not renewed when an application for renewal is not received by the RA within 1 year after the expiration date of the permit that includes the endorsement.

(p) *Gulf red snapper licenses* -- (1) *Class 1 licenses.* To be eligible for the 2,000-lb (907-kg) trip limit for Gulf red snapper specified in §622.44(d)(1), a vessel must have been issued both a valid commercial vessel permit for Gulf reef fish and a valid Class 1 Gulf red snapper license, and such permit and license must be on board.

(2) *Class 2 licenses.* To be eligible for the 200-lb (91-kg) trip limit for Gulf red snapper specified in §622.44(d)(2), a vessel must have been issued both a valid commercial vessel permit for Gulf reef fish and a valid Class 2 Gulf red snapper license, and such permit and license must be on board.

(3) *Operator restriction.* An initial Gulf red snapper license that is issued for a vessel based on the qualification of an operator or historical captain is valid only when that operator or historical captain is the operator of the vessel. When applicable, this operator restriction is shown on the license.

(4) *Transfer of Gulf red snapper licenses.* A red snapper license may be transferred independently of a commercial vessel permit for Gulf reef fish. To request the transfer of a red snapper license, complete the transfer information on the reverse of the license and return it to the RA.

(5) *Initial issue of Gulf red snapper licenses -- (i) Class 1 licenses.* (A) An initial Class 1 license will be issued for the vessel specified by the holder of a valid red snapper endorsement on March 1, 1997, and to a historical captain. In the event of death or disability of such holder between March 1, 1997, and the date Class 1 licenses are issued, a Class 1 license will be issued for the vessel specified by the person to whom the red snapper endorsement was transferred.

(B) Status as a historical captain is based on information collected under Amendment 9 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) (59 FR 39301, August 2, 1994). A historical captain is an operator who --

(1) From November 6, 1989, through 1993, fished solely under verbal or written share agreements with an owner, and such agreements provided for the operator to be responsible for hiring the crew, who was paid from the share under his or her control;

(2) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992;

(3) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993; and

(4) Landed red snapper prior to November 7, 1989.

(ii) *Class 2 licenses.* (A) An initial Class 2 license will be issued for the vessel specified by an owner or operator whose income qualified for a commercial vessel permit for reef fish that was valid on March 1, 1997, and such owner or operator was the person whose earned income qualified for a commercial vessel permit for reef fish that had a landing of red snapper during the period from January 1, 1990, through February 28, 1997.

(B) For the purpose of paragraph (p)(5)(ii)(A) of this section, landings of red snapper are as recorded in the information collected under Amendment 9 to the FMP (59 FR 39301, August 2, 1994) for the period 1990 through 1992 and in fishing vessel logbooks, as required under §622.5(a)(1)(ii), received by the SRD not later than March 31, 1997, for the period from January 1, 1993, through February 28, 1997.

(C) A vessel's red snapper landings record during the period from January 1, 1990, through February 28, 1997, is retained by the owner at the time of the landings if the vessel's permit was transferred to another vessel owned by him or her. When a vessel has had a change of ownership and concurrent transfer of its permit, the vessel's red snapper landings record is credited to the owner of that vessel on March 1, 1997, unless there is a legally binding agreement under which a previous owner retained the landings record. An owner who claims such retention of a landings record must submit a copy of the agreement to the RA postmarked or hand delivered not later than January 30, 1998. However, an owner who submits a copy of such agreement after January 6, 1998, is not assured that a red snapper license will be issued before the opening of the commercial fishery for red snapper on February 1, 1998.

(6) *Implementation procedures -- (i) Initial notification.* The RA will notify each owner of a vessel that had a valid permit for Gulf reef fish on March 1, 1997, each operator whose earned income qualified for a valid permit on that date, and each potential historical captain of his or her eligibility for a Class 1 or Class 2 red snapper license. Initial determinations of eligibility will be based on NMFS' records of red snapper endorsements, red snapper landings during the period from January 1, 1990, through February 28, 1997, and applications for historical captain status under Amendment 9 to the FMP (59 FR 39301, August 2, 1994). An owner, operator, or potential historical captain who concurs with NMFS' initial determination of eligibility need take no further action. Each owner, operator, and historical captain who is initially determined to be eligible will be issued an appropriate license not later than January 23, 1998.

(ii) *Reconsideration.* (A) An owner, operator, or potential historical captain who does not concur with NMFS' initial determination of eligibility for historical captain status or for a Class 2 red snapper license may request reconsideration of that initial determination by the RA.

(B) A written request for reconsideration must be submitted to the RA postmarked or hand delivered not later than February 10,

1998, and must provide written documentation supporting the basis for reconsideration. However, an owner who submits such request after January 13, 1998, is not assured that a red snapper license will be issued before the opening of the commercial fishery for red snapper on February 1, 1998. Upon request by the owner, operator, or potential historical captain, the RA will forward the initial determination, the request for reconsideration, and pertinent records to a committee consisting of the principal state officials who are members of the GMFMC, or their designees. An owner, operator, or potential historical captain may request to make a personal appearance before the committee in his or her request for reconsideration. If an owner, operator, or potential historical captain requests that his or her request be forwarded to the committee, such a request constitutes the applicant's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) for the RA to make available to the committee members such confidential catch and other records as are pertinent to the matter under reconsideration.

(C) Members of the committee will provide their individual recommendations for each application for reconsideration referred to the committee to the RA. The committee may only deliberate whether the eligibility criteria specified in paragraph (p)(5) of this section were applied correctly in the applicant's case, based solely on the available record, including documentation submitted by the applicant. Neither the committee nor the RA may consider whether a person should have been eligible for historical captain status or a Class 2 license because of hardship or other factors. The RA will make a final decision based on the initial eligibility criteria in paragraph (p)(5) of this section and the available record, including documentation submitted by the applicant, and, if the request is considered by the committee, the recommendations and comments from each member of the committee. The RA will notify the applicant of the decision and the reason therefore, in writing, within 15 days of receiving the recommendations of the committee members. If the application is not considered by the committee, the RA will provide such notification within 15 days of the RA's receipt of the request for reconsideration. The RA's decision will constitute the final administrative action by NMFS on an application for reconsideration.

(q) Moratorium on commercial vessel permits for king mackerel. This paragraph (q) is effective through October 15, 2005.

(1) No applications for additional commercial vessel permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (q)(2) through (q)(5) of this section, and are subject to the requirement for timely renewal in paragraph (q)(6) of this section.

(2) An owner of a permitted vessel may transfer the commercial vessel permit for king mackerel issued under this moratorium to another vessel owned by the same entity.

(3) An owner whose percentage of earned income or gross sales qualified him/her for the commercial vessel permit for king mackerel issued under the moratorium may request that NMFS transfer that permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for king mackerel for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the percentage of earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income or gross sales requirement not later than the first full calendar year after the permit transfer takes place.

(4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may request that NMFS transfer the permit to the income-qualifying operator when such operator becomes an owner of a vessel.

(5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income or gross sales requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RA with an application for the changed permit.

(6) NMFS will not reissue a commercial vessel permit for king mackerel if the permit is revoked or if the RA does not receive an application for renewal within 1 year of the permit's expiration date.

(r) *Moratorium on charter vessel/headboat permits for Gulf coastal migratory pelagic fish and Gulf reef fish.* The provisions of this paragraph (r) are applicable through June 16, 2006. Notwithstanding the other provisions of this paragraph (r), the expiration dates of all charter vessel/headboat permits for Gulf reef fish or Gulf coastal migratory pelagic fish that were not issued under the provision of this paragraph (r) and that were valid or renewable as of December 17, 2002, will be extended through November 13, 2003, provided that a permit has not been issued under this paragraph (r) for the applicable vessel.

(1) *Applicability.* Beginning November 13, 2003, the only valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish are those that have been issued under the moratorium criteria in this paragraph (r). No applications for additional charter vessel/headboat permits for these fisheries will be accepted. Existing permits may be renewed, are subject to the transferability provisions in paragraph (r)(9) of this section, and are subject to the requirement for timely renewal in paragraph (r)(10) of this section.

(2) *Initial eligibility.* Initial eligibility for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to the following:

(i) An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish on March 29, 2001, or held such a permit during the preceding year or whose application for such permit had been received by NMFS, by March 29, 2001, and was being processed or awaiting processing.

(ii) Any person who can provide NMFS with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or headboat under construction and that the associated expenditures were at least \$5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

(iii) A historical captain, defined for the purposes of paragraph (r) of this section as a person who provides NMFS with documentation verifying that

(A) Prior to March 29, 2001, he/she was issued either a USCG Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license; operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and/or coastal migratory pelagic fisheries; but does not have a fishery permit issued in their name; and

(B) At least 25 percent of his/her earned income was derived from charter vessel or headboat fishing in one of the years, 1997, 1998, 1999, or 2000.

(3) *Special conditions applicable to eligibility based on historical captain status.* A person whose eligibility is based on historical captain status will be issued a letter of eligibility by the RA. The letter of eligibility may be redeemed through the RA for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish, with a historical captain endorsement. The letter of eligibility is valid for the duration of the moratorium; is valid only for a vessel of the same or lesser authorized passenger capacity as the vessel used to document earned income in paragraph (r)(2)(iii)(B) of this section; and is valid only for the fisheries certified on the application under paragraph (r)(2)(iii)(A) of this section. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish with a historical captain endorsement is valid only on a vessel that the historical captain operates as a captain.

(4) *Determination of eligibility based on permit history.* NMFS' permit records are the sole basis for determining eligibility based on permit or application history. An owner of a currently permitted vessel who believes he/she meets the permit or application history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has

changed from individual to corporate or vice versa, must document his/her continuity of ownership. An owner will not be issued initial charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously at some time during the period March 29, 2000 through March 29, 2001.

(5) *Application requirements and procedures* -- (i) *General*. An applicant who desires a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish must submit an application for such permit to the RA postmarked or hand-delivered not later than September 15, 2003. Application forms are available from the RA. The information requested on the application form varies according to the eligibility criterion that the application is based upon as indicated in paragraphs (r)(5)(ii), (r)(5)(iii), and (r)(5)(iv) of this section; however, all applicants must provide a copy of the applicable, valid USCG Operator of Uninspected Passenger Vessel license or Masters license and valid USCG Certificate of Inspection. Failure to apply in a timely manner will preclude permit issuance even when the applicant meets the eligibility criteria for such permit.

(ii) *Application based on the prior permit/application history criterion*. On or about June 16, 2003, the RA will mail an application for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish to each owner of a vessel who, according to NMFS' permit records, is eligible based on the permit or application history criterion in paragraph (r)(2)(i) of this section. Information requested on the application is consistent with the standard information required in paragraph (b)(3)(ii) of this section. The RA will also mail each such owner a notice that his/her existing charter vessel/headboat permit(s) for coastal migratory pelagic fish and/or Gulf reef fish will expire November 13, 2003, and that the new permit(s) required under this moratorium will be required as of that date. A vessel owner who believes he/she qualifies for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on permit or application history, but who does not receive an application from the RA, must request an application from the RA and provide documentation of eligibility. The RA will mail applications and notifications to vessel owner addresses as indicated in NMFS' permit records.

(iii) *Application based on a charter vessel/headboat under construction prior to March 29, 2001*. A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on the vessel-under-construction eligibility criterion in paragraph (r)(2)(ii) of this section must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and the documentation of construction and associated costs as specified in paragraph (r)(2)(ii) of this section.

(iv) *Application based on historical captain status*. A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on historical captain status must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and documentation of the criteria specified in paragraphs (r)(2)(iii)(A) and (B) of this section. Such documentation includes income tax records pertinent to verifying earned income; a copy of the applicable USCG license and/or Certificate of Inspection; and a notarized affidavit signed by a vessel owner certifying the period the applicant served as captain of a charter vessel or headboat permitted for Gulf reef fish and/or coastal migratory pelagic fish, whether the charter vessel or headboat was permitted for Gulf reef fish or coastal migratory pelagic fish or both, and whether the charter vessel or headboat was uninspected (i.e., 6-pack) or had a USCG Certificate of Inspection.

(v) *Incomplete applications*. If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(6) *Issuance of initial permits*. If a complete application is submitted in a timely manner and the applicable eligibility requirements specified in paragraph (r)(2) of this section are met, the RA will issue a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish or a letter of eligibility for such fisheries, as appropriate, and mail it to the applicant not later than November 3, 2003.

(7) *Notification of ineligibility*. If the applicant does not meet the applicable eligibility requirements of paragraph (r)(2) of this section, the RA will notify the applicant, in writing, of such determination and the reasons for it not later than October 14, 2003.

(8) *Appeal process.* (i) An applicant may request an appeal of the RA's determination regarding initial permit eligibility, as specified in paragraph (r)(2) of this section, by submitting a written request for reconsideration to the RA with copies of the appropriate records for establishing eligibility. Such request must be postmarked or hand-delivered within 45 days after the date of the RA's notification of ineligibility and may include a request for an oral hearing. If an oral hearing is granted, the RA will notify the applicant of the place and date of the hearing and will provide the applicant a maximum of 45 days prior to the hearing to provide information in support of the appeal.

(ii) A request for an appeal constitutes the appellant's authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.) for the RA to make available to the appellate officer(s) such confidential records as are pertinent to the appeal.

(iii) The RA may independently review the appeal or may appoint one or more appellate officers to review the appeal and make independent recommendations to the RA. The RA will make the final determination regarding granting or denying the appeal.

(iv) The RA and appellate officer(s) are empowered only to deliberate whether the eligibility criteria in paragraph (r)(2) of this section were applied correctly. Hardship or other factors will not be considered in determining eligibility.

(v) The RA will notify the applicant of the decision regarding the appeal within 45 days after receipt of the request for appeal or within 45 days after the conclusion of the oral hearing, if applicable. The RA's decision will constitute the final administrative action by NMFS.

(9) *Transfer of permits --* (i) *Permits without a historical captain endorsement.* A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel, except that no transfer is allowed to a vessel with a greater authorized passenger capacity than that of the vessel from which the permit was transferred. The determination of authorized passenger capacity will be based on the USCG Certificate of Inspection or USCG Operator of Uninspected Passenger Vessel license associated with the vessels involved in the transfer. If no valid Certificate of Inspection is provided for a vessel, that vessel will be considered an uninspected vessel with an authorized passenger capacity restricted to six or fewer passengers.

(ii) *Permits with a historical captain endorsement.* A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain, cannot be transferred to a vessel with a higher authorized passenger capacity than the vessel from which the permit was transferred, and is not otherwise transferable.

(iii) *Procedure for permit transfer.* To request that the RA transfer a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, the owner of a vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA.

(10) *Renewal.* (i) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is contingent upon the permitted vessel and/or captain, as appropriate, being included in an active survey frame for, and, if selected to report, providing the information required in one of the following --

(A) NMFS' Marine Recreational Fishing Vessel Directory Telephone Survey (conducted by the Gulf States Marine Fisheries Commission);

(B) NMFS' Southeast Headboat Survey (as required by §622.5(b)(1));

(C) Texas Parks and Wildlife Marine Recreational Fishing Survey; or

(D) A data collection system that replaces one or more of the surveys in paragraph (r)(10)(i)(A)(B) or (C) of this section.

(ii) A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish that is not renewed or that is revoked will not be reissued during the moratorium. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(11) *Requirement to display a vessel decal.* Upon issuance, renewal, or transfer of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, the RA will issue the owner of the permitted vessel a vessel decal for the applicable permitted fishery or fisheries. The vessel decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

(12) *Requirement and procedure for obtaining an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish -- (i) General.* This paragraph (r)(12) explains the necessity of requiring and the procedure for obtaining an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish. Formerly, the charter vessel/headboat permit for coastal migratory pelagic fish applied in the EEZ of the Gulf and South Atlantic. The establishment of a separate charter vessel/headboat permit for Gulf coastal migratory pelagic fish under the moratorium established by paragraph (r) of this section necessitates that a separate charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish also be established effective December 26, 2002, and that the former charter vessel/headboat permit for coastal migratory pelagic fish (applicable in both the Gulf and South Atlantic) be voided effective as of that same date. The newly required charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish is not subject to the provisions of the moratorium in paragraphs (r)(1) through (11) of this section.

(ii) *Application for and issuance of an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish -- (A) Owner of a vessel with a valid charter vessel/headboat permit for coastal migratory pelagic fish.* On or about June 28, 2002, the RA, based on NMFS' permit records, will mail an application for an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish to each owner of a vessel with a valid charter vessel/headboat permit for coastal migratory pelagic fish. Any such owner who desires an initial charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish must submit the completed application to the RA. To avoid any lapse in authorization to fish for coastal migratory species in the South Atlantic EEZ (i.e., valid permit status), such owners must submit the completed application to the RA postmarked or hand-delivered not later than September 26, 2002. For completed applications received by that deadline, the RA will issue the permit no later than December 16, 2002. Applications will be accepted at any time, but if received after the deadline, the permit may not be issued prior to the date that the permit is first required (i.e., December 26, 2002). These special procedures apply only to the application and issuance of the initial permit; subsequent permitting activities will be conducted in accordance with the standard permitting procedures as specified in paragraphs (b) through (l) of this section.

(B) *Owner or operator of a vessel without a valid charter vessel/headboat permit for coastal migratory pelagic fish.* An owner or operator of a vessel who desires a charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish and who does not have a valid charter vessel/headboat permit for coastal migratory pelagic fish must obtain a permit application from the RA. For additional permitting procedures, see paragraphs (b) through (l) of this section.

[61 FR 34937, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 47448, Sept 9, 1996; 61 FR 48414, Sept. 13, 1996; 62 FR 13986, Mar. 25, 1997; 62 FR 67721, 67722, Dec. 30, 1997; 63 FR 10565, 10569, Mar. 4, 1998; 63 FR 38301, July 16, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 65 FR 16339, Mar. 28, 2000; 65 FR 41017, July 3, 2000; 65 FR 52956, Aug. 31, 2000; 65 FR 61115, Oct. 16, 2000; 67 FR 22362, May 3, 2002; 67 FR 43562, June 28, 2002; 67 FR 51078, Aug. 7, 2002; 68 FR 2192, Jan. 16, 2003; 68 FR 26235, May 15, 2003; 68 FR 38232, June 27, 2003]

section must provide the following information when interviewed by the SRD:

- (1) Name and official number of vessel and permit number, if applicable.
- (2) Length and tonnage.
- (3) Current home port.
- (4) Fishing areas.
- (5) Ports where fish were offloaded during the last year.
- (6) Type and quantity of gear.
- (7) Number of full- and part-time fishermen or crew members.

[61 FR 34940, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 47448, Sept. 9, 1996; 63 FR 10567, Mar. 4, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 64 FR 68935, Dec. 9, 1999; 67 FR 43565, June 28, 2002]

[\[TOP\]](#)

§622.6 Vessel and gear identification.

(a) *Vessel identification* -- (1) *Applicability* -- (i) *Official number*. A vessel for which a permit has been issued under §622.4 must display its official number --

(A) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(B) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(C) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in height for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) long or less.

(ii) *Official number and color code*. The following vessels must display their official number as specified in paragraph (a)(1)(i) of this section and, in addition, must display their assigned color code: A vessel for which a fish trap endorsement has been issued, as required under §622.4(a)(2)(i); a vessel for which a permit has been issued to fish with a sea bass pot, as required under §622.4(a)(2)(vi); a vessel in the commercial Caribbean reef fish fishery fishing with traps; and a vessel in the Caribbean spiny lobster fishery. Color codes required for the Caribbean reef fish fishery and Caribbean spiny lobster fishery are assigned by Puerto Rico or the U.S. Virgin Islands, whichever is applicable; color codes required in all other fisheries are assigned by the RA. The color code must be displayed --

(A) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(B) In the form of a circle permanently affixed to or painted on the vessel.

(C) At least 18 inches (45.7 cm) in diameter for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in diameter for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in diameter for vessels 25 ft (7.6 m) long or less.

(2) *Duties of operator.* The operator of a vessel specified in paragraph (a)(1) of this section must keep the official number and the color code, if applicable, clearly legible and in good repair and must ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material on board obstructs the view of the official number or the color code, if applicable, from an enforcement vessel or aircraft.

(b) *Gear identification -- (1) Traps/pots and associated buoys -- (i) Traps or pots -- (A) Caribbean EEZ.* A fish trap or spiny lobster trap used or possessed in the Caribbean EEZ must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands so as to be easily identified.

(B) *Gulf and South Atlantic EEZ.* A fish trap used or possessed in the Gulf EEZ and a sea bass pot used or possessed in the South Atlantic EEZ between 35°15.19'&min; N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1'&min; N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), or a fish trap or sea bass pot on board a vessel with a commercial permit for Gulf reef fish or South Atlantic snapper-grouper, must have a valid identification tag issued by the RA attached. A golden crab trap used or possessed in the South Atlantic EEZ or on board a vessel with a commercial permit for golden crab must have the commercial vessel permit number permanently affixed so as to be easily distinguished, located, and identified; an identification tag issued by the RA may be used for this purpose but is not required.

(ii) *Associated buoys.* A buoy that is attached to a trap or pot must display the official number and assigned color code so as to be easily distinguished, located, and identified as follows:

(A) *Caribbean EEZ.* Each buoy must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(B) *Gulf and South Atlantic EEZ.* Each buoy must display the official number and color code assigned by the RA. In the Gulf EEZ, a buoy must be attached to each trap, or each end trap if traps are connected by a line. In the South Atlantic EEZ, buoys are not required to be used, but, if used, each buoy must display the official number and color code. However, no color code is required on a buoy attached to a golden crab trap.

(iii) *Presumption of ownership.* A Caribbean spiny lobster trap, a fish trap, a golden crab trap, or a sea bass pot in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps and pots that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(iv) *Unmarked traps, pots, or buoys.* An unmarked Caribbean spiny lobster trap, a fish trap, a golden crab trap, a sea bass pot, or a buoy deployed in the EEZ where such trap, pot, or buoy is required to be marked is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(2) *Gillnet buoys.* On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4'&min; N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, the float line of each gillnet possessed, including any net in use, must have a maximum of nine distinctive floats, i.e., different from the usual net buoys, spaced uniformly at a distance of 100 yd (91.4 m) or less. Each such distinctive float must display the official number of the vessel.

[61 FR 34934, July 3, 1996, as amended at 61 FR 43957, Aug. 27, 1996; 63 FR 10567, Mar. 4, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 59126, Nov. 2, 1999; 65 FR 52957, Aug. 31, 2000; 67 FR 22362, May 3, 2002; 67 FR 51078, Aug. 7, 2002]

§622.8 At-sea observer coverage.

- (a) If a vessel's trip is selected by the SRD for observer coverage, the owner or operator of a vessel for which a commercial permit for golden crab has been issued, as required under §622.4(a)(2)(x), must carry a NMFS-approved observer.
- (b) When notified in writing by the SRD that his or her vessel has been selected to carry an NMFS-approved observer, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:
- (1) Departure information (port, dock, date, and time).
 - (2) Expected landing information (port, dock, and date).
- (c) An owner or operator of a vessel on which a NMFS approved observer is embarked must:
- (1) Provide accommodations and food that are equivalent to those provided to the crew.
 - (2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.
 - (3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.
 - (4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store golden crab.
 - (5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of golden crab for that trip.

[61 FR 43957, Aug. 27, 1996, as amended at 63 FR 57590, Oct. 28, 1998]

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§622.9 Vessel monitoring systems (VMSs).

- (a) *Requirement for use.* As of October 14, 2003 or 90 days after NMFS publishes in the FEDERAL REGISTER, the list of approved transmitting units and associated communications service providers, whichever is later, an owner or operator of a vessel that has been issued a limited access endorsement for South Atlantic rock shrimp must ensure that such vessel has a NMFS-approved, operating VMS on board when on a trip in the South Atlantic. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider.
- (b) *Installing and activating the VMS.* Only a VMS that has been approved by NMFS for use in the South Atlantic rock shrimp fishery may be used. When installing and activating the NMFS-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must --
- (1) Follow procedures indicated on an installation and activation checklist, which is available from NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL; phone: 727-570-5344; and
 - (2) Submit to NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, a statement certifying compliance with the

checklist, as prescribed on the checklist.

(c) *Interference with the VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(d) *Interruption of operation of the VMS.* When a vessel's VMS is not operating properly, the owner or operator must immediately contact NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, and follow instructions from that office. If notified by NMFS that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the VMS is operable.

(e) *Access to position data.* As a condition of authorized fishing for or possession of South Atlantic rock shrimp in or from the South Atlantic EEZ, a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

[68 FR 2194, Jan. 16, 2003]

Subpart B -- Effort Limitations

[\[TOP\]](#)

§622.15 Wreckfish individual transferable quota (ITQ) system.

The provisions of this section apply to wreckfish in or from the South Atlantic EEZ.

(a) *Percentage shares.* (1) In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, percentage shares of the quota for wreckfish have been assigned. Each person has been notified by the RA of his or her percentage share and shareholder certificate number.

(2) All or a portion of a person's percentage shares may be transferred to another person. Transfer of shares must be reported on a form available from the RA. The RA will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the RA. The confirmation date will normally be not later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(b) *Lists of wreckfish shareholders and permitted vessels.* Annually, on or about March 1, the RA will provide each wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15. Annually by April 15, the RA will provide each dealer who holds a dealer permit for wreckfish, as required under §622.4(a)(4), with a list of vessels for which wreckfish permits have been issued, as required under §622.4(a)(2)(vii). Annually, by April 15, the RA will provide each wreckfish shareholder with a list of dealers who have been issued dealer permits for wreckfish. From April 16 through January 14, updated lists will be provided when required. Updated lists may be obtained at other times or by a person who is not a wreckfish shareholder or wreckfish dealer permit holder by written request to the RA.

(c) *ITQs.* (1) Annually, as soon after March 1 as the TAC for wreckfish for the fishing year that commences April 16 is known, the RA will calculate each wreckfish shareholder's ITQ. Each ITQ is the product of the wreckfish TAC, in round weight, for the

ensuing fishing year, the factor for converting round weight to eviscerated weight, and each wreckfish shareholder's percentage share, reflecting share transactions reported on forms received by the RA through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(2) The RA will provide each wreckfish shareholder with ITQ coupons in various denominations, the total of which equals his or her ITQ, and a copy of the calculations used in determining his or her ITQ. Each coupon will be coded to indicate the initial recipient.

(3) An ITQ coupon may be transferred from one wreckfish shareholder to another by completing the sale endorsement thereon (that is, the signature and shareholder certificate number of the buyer). An ITQ coupon may be possessed only by the shareholder to whom it has been issued, or by the shareholder's employee, contractor, or agent, unless the ITQ coupon has been transferred to another shareholder. An ITQ coupon that has been transferred to another shareholder may be possessed only by the shareholder whose signature appears on the coupon as the buyer, or by the shareholder's employee, contractor, or agent, and with all required sale endorsements properly completed.

(4) Wreckfish may not be possessed on board a fishing vessel --

(i) In an amount exceeding the total of the ITQ coupons on board the vessel;

(ii) That does not have on board a commercial vessel permit for wreckfish, as required under §622.4(a)(2)(vii); or

(iii) That does not have on board logbook forms for that fishing trip, as required under §622.5(a)(1)(iv)(B).

(5) Prior to termination of a trip, a signature and date signed must be affixed in ink to the "Fisherman" part of ITQ coupons in denominations equal to the eviscerated weight of the wreckfish on board. The "Fisherman" part of each such coupon must be separated from the coupon and submitted with the logbook forms required by §622.5(a)(1)(iv)(B) for that fishing trip.

(6) The "Fish House" part of each such coupon must be given to the dealer to whom the wreckfish are transferred in amounts totaling the eviscerated weight of the wreckfish transferred to that dealer. A wreckfish may be transferred only to a dealer who holds a dealer permit for wreckfish, as required under §622.4(a)(4).

(7) A dealer may receive a wreckfish only from a vessel for which a commercial permit for wreckfish has been issued, as required under §622.4(a)(2)(vii). A dealer must receive the "Fish House" part of ITQ coupons in amounts totaling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the dealer reports required by §622.5(c)(5)(i).

(8) An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(d) *Wreckfish limitations.* (1) A wreckfish taken in the South Atlantic EEZ may not be transferred at sea, regardless of where the transfer takes place; and a wreckfish may not be transferred in the South Atlantic EEZ.

(2) A wreckfish possessed by a fisherman or dealer shoreward of the outer boundary of the South Atlantic EEZ or in a South Atlantic coastal state will be presumed to have been harvested from the South Atlantic EEZ unless accompanied by documentation that it was harvested from other than the South Atlantic EEZ.

(3) A wreckfish may be offloaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(4) If a wreckfish is to be offloaded at a location other than a fixed facility of a dealer who holds a dealer permit for wreckfish, as required under §622.4(a)(4), the wreckfish shareholder or the vessel operator must advise the NMFS, Office of Enforcement,

Southeast Region, St. Petersburg, FL, by telephone (1-800-853-1964), of the location not less than 24 hours prior to offloading.

[61 FR 34934, July 3, 1996, as amended at 64 FR 59126, Nov. 2, 1999]

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§622.16 Red snapper individual transferable quota (ITQ) system.

The ITQ system established by this section will remain in effect through March 31, 2000, during which time NMFS and the GMFMC will evaluate the effectiveness of the system. Based on the evaluation, the system may be modified, extended, or terminated.

(a) *Percentage shares.* (1) Initial percentage shares of the annual quota of red snapper are assigned to persons in accordance with the procedure specified in Amendment 8 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP) and in paragraphs (c)(1) through (c)(4) of this section. Each person is notified by the RD of his or her initial percentage shares. If additional shares become available to NMFS, such as by forfeiture pursuant to subpart F of 15 CFR part 904 for rule violations, such shares will be proportionately reissued to shareholders based on their shares as of November 1, after the additional shares become available. If NMFS is required to issue additional shares, such as may be required in the resolution of disputes, existing shares will be proportionately reduced. This reduction of shares will be based on shares as of November 1 after the required addition of shares.

(2) All or a portion of a person's percentage shares may be transferred to another person who is a U.S. citizen or permanent resident alien. (See paragraph (c)(5) of this section for restrictions on the transfer of shares in the initial months under the ITQ system.) Transfer of shares must be reported on a form available from the RD. The RD will confirm, in writing, the registration of each transfer. The effective date of each transfer is the confirmation date provided by the RD. The confirmation of registration date will normally be not later than 3 working days after receipt of a properly completed transfer form. However, reports of share transfers received by the RD from November 1 through December 31 will not be recorded or confirmed until after January 1. A fee is charged for each transfer of percentage shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(3) On or about January 1 each year, the RD will provide each red snapper shareholder with a list of all red snapper shareholders and their percentage shares, reflecting share transfers as indicated on properly completed transfer forms received through October 31. Updated lists may be obtained at other times, and by persons who are not red snapper shareholders, by written request to the RD.

(b) *ITQs.* (1) Annually, as soon after November 15 as the following year's red snapper quota is established, the RD will calculate each red snapper shareholder's ITQ in terms of eviscerated weight. Each ITQ is the product of the red snapper quota, in round weight, for the ensuing fishing year, the factor for converting round weight to eviscerated weight, and each red snapper shareholder's percentage share, reflecting share transfers reported on forms received by the RD through October 31.

(2) The RD will provide each red snapper shareholder with ITQ coupons in various denominations, the total of which equals his or her ITQ, and a copy of the calculations used in determining his or her ITQ. Each coupon will be coded to indicate the initial recipient.

(3) An ITQ coupon may be transferred. If the transfer is by sale, the seller must enter the sale price on the coupon.

(4) Except when the red snapper bag limit applies, red snapper in or from the EEZ or on board a vessel that has been issued a commercial permit for Gulf reef fish, as required under §622.4(a)(2)(v), may not be possessed in an amount, in eviscerated

(iv) Fail to report red snapper received, as specified in paragraph (d)(6) of this section.

Effective Date Note: At 61 FR 48415, Sept. 13, 1996, §622.16 was stayed indefinitely.

[\[TOP\]](#)

§622.17 South Atlantic golden crab controlled access.

(a) *General.* In accordance with the procedures specified in the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region, initial commercial vessel permits have been issued for the fishery. All permits in the fishery are issued on a fishing-year (calendar-year) basis. No additional permits may be issued except as follows:

(1) *For the southern zone.* (i) Upon application, the RA will reissue a permit for the southern zone for a vessel that held a valid permit for that zone in October 2000 but did not meet the 5,000-lb (2,268-kg) requirement for renewal in the following year.

(ii) An application for a permit under paragraph (a)(1) of this section must be received by the RA no later than July 2, 2002.

(2) *For the northern zone.* (i) The RA will issue up to two new vessel permits for the northern zone. Selection will be made from the list of historical participants in the South Atlantic golden crab fishery. Such list was used at the October 1995 meeting of the South Atlantic Fishery Management Council and was prioritized based on pounds of golden crab landed, without reference to a specific zone. Individuals on the list who originally received permits will be deleted from the list.

(ii) The RA will offer in writing an opportunity to apply for a permit for the northern zone to the individuals highest on the list until two accept and apply in a timely manner. An offer that is not accepted within 30 days after it is received will no longer be valid.

(iii) An application for a permit from an individual who accepts the RA's offer must be received by the RA no later than 30 days after the date of the individual's acceptance. Application forms are available from the RA.

(iv) A vessel permit for the northern zone issued under paragraph (a)(2) of this section, and any successor permit, may not be changed to another zone. A successor permit includes a permit issued to that vessel for a subsequent owner and a permit issued via transfer from that vessel to another vessel.

(b) *Fishing zones -- (1) Designation of fishing zones.* The South Atlantic EEZ is divided into three fishing zones for golden crab as follows:

(i) Northern zone -- the South Atlantic EEZ north of 28° N. lat.

(ii) Middle zone -- the South Atlantic EEZ from 28° N. lat. to 25° N. lat.

(iii) Southern zone -- the South Atlantic EEZ south of 25° N. lat.

(2) *Authorization to fish in zones.* Each vessel permit indicates one of the zones specified in paragraph (b)(1) of this section. A vessel with a permit to fish for golden crab in the northern zone or the middle zone may fish only in that zone. A vessel with a documented length overall greater than 65 ft (19.8 m) with a permit to fish for golden crab in the southern zone may fish in that zone, consistent with the provisions of paragraph (b)(3) of this section, and, through May 3, 2005, may also fish in the northern zone. A vessel may possess golden crab only in a zone in which it is authorized to fish, except that other zones may be transited if the vessel notifies NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-570-5344) in advance and does not fish in a zone in which it is not authorized to fish.

(3) *Small-vessel sub-zone.* Within the southern zone, a small-vessel sub-zone is established bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long. No vessel with a documented length overall greater than 65 ft (19.8 m) may fish for golden crab in this sub-zone, and a vessel with a documented length overall of 65 ft (19.8 m) or less that is permitted for the southern zone may fish for golden crab only in this sub-zone.

(4) *Procedure for changing zones.* (i) Upon request from an owner of a permitted vessel, the RA will change the zone specified on a permit from the middle or southern zone to the northern zone. No other changes in the zone specified on a permit are allowed, except as specified in paragraph (b)(4)(ii) of this section. An owner of a permitted vessel who desires a change to the northern zone must submit his/her request with the existing permit to the RA.

(ii) Through May 3, 2005, upon request, the RA will change a vessel permit back to the southern zone for an owner of a vessel, or the subsequent owner of a vessel, whose permit was changed from the southern zone to the northern zone provided that the documented length overall of the vessel to be used in the southern zone is not more than 20 percent greater than the vessel whose permit was originally changed from the southern zone to the northern zone.

(c) *Transferring permits between vessels --* (1) *Procedure for transferring.* An owner of a vessel who desires a golden crab permit may request that NMFS transfer an existing permit or permits to his or her vessel by returning an existing permit or permits to the RA with an application for a permit for the replacement vessel.

(2) *Vessel size limitations on transferring.* (i) To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent. The owner of a vessel permitted for the middle or southern zone who has requested that NMFS transfer that permit to a smaller vessel (i.e., downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing.

(ii) There are no vessel size limitations to obtain a permit for the northern zone via transfer.

(d) *Permit renewal.* NMFS will not renew a commercial vessel permit for South Atlantic golden crab if the permit is revoked or if the RA does not receive a required application for renewal within 6 months after the permit's expiration. See §622.4(h) for the applicable general procedures and requirements for permit renewals.

[67 FR 22361, May 3, 2002]

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§622.18 South Atlantic snapper-grouper limited access.

(a) *Applicability.* Beginning December 14, 1998, the only valid commercial vessel permits for South Atlantic snapper-grouper are those that have been issued under the limited access criteria in this section. A vessel may have either a transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper.

(b) *Initial eligibility.* A vessel is eligible for an initial limited access commercial permit for South Atlantic snapper-grouper if the owner owned a vessel with a commercial vessel permit for South Atlantic snapper-grouper at any time from February 11, 1996, through February 11, 1997, and owned a permitted vessel that had at least one landing of snapper-grouper from the South Atlantic from January 1, 1993, through August 20, 1996, as reported on fishing vessel logbooks received by the SRD on or before August 20, 1996. An owner whose permitted vessels had landings of snapper-grouper from the South Atlantic of at least 1,000 lb (453.6 kg), whole weight, in any one of the years 1993, 1994, or 1995, or in 1996 through August 20, as reported on fishing vessel logbooks received by the SRD on or before August 20, 1996, is eligible for an initial transferable permit. All other qualifying owners are eligible for an initial trip-limited permit.

(2) *Possession limits.* (i) Provided each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the duration of the trip --

(A) A person aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess no more than two daily bag limits of species other than red porgy.

(B) A person aboard a headboat on a trip that spans more than 48 hours and who can document that fishing was conducted on at least 3 days may possess no more than three daily bag limits of species other than red porgy.

(ii) A person aboard a vessel may not possess red porgy in or from the EEZ in excess of one per day or one per trip, whichever is more restrictive.

(3) *Longline bag limits.* Other provisions of this paragraph (d) notwithstanding, a person on a trip aboard a vessel for which the bag limits apply that has a longline on board is limited on that trip to the bag limit for South Atlantic snapper-grouper for which a bag limit is specified in paragraph (d)(1) of this section, and to zero for all other South Atlantic snapper-grouper. For the purpose of this paragraph (d)(3), a vessel is considered to have a longline on board when a power-operated longline hauler, a cable or monofilament of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(e) *Caribbean queen conch* -- (1) *Applicability.* Paragraph (a)(1) of this section notwithstanding, the bag limit of paragraph (e)(2) of this section does not apply to a fisherman who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands. See §622.44 for the commercial daily trip limit.

(2) *Bag limit.* The bag limit for queen conch in or from the Caribbean EEZ is 3 per person or, if more than 4 persons are aboard, 12 per boat.

[61 FR 34934, July 3, 1996, as amended at 61 FR 65483, Dec. 13, 1996; 61 FR 65985, Dec. 16, 1996; 62 FR 23674, May 1, 1997; 62 FR 67723, Dec. 30, 1997; 63 FR 8356, Feb. 19, 1998; 63 FR 38303, July 16, 1998; 63 FR 72203, Dec. 31, 1998; 64 FR 3628, Jan. 25, 1999; 64 FR 33800, June 24, 1999; 64 FR 45459, Aug. 20, 1999; 64 FR 47713, Sept. 1, 1999; 64 FR 57404, Oct. 25, 1999; 65 FR 30363, May 11, 2000; 65 FR 41016, July 3, 2000; 65 FR 50162, Aug. 17, 2000; 65 FR 51252, Aug. 23, 2000; 65 FR 61116, Oct. 16, 2000; 66 FR 17369, Mar. 30, 2001]

[\[TOP\]](#)

§622.40 Limitations on traps and pots.

(a) *Tending* -- (1) *Caribbean EEZ.* A fish trap or Caribbean spiny lobster trap in the Caribbean EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the fish trap or spiny lobster trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

(2) *Gulf EEZ.* A fish trap in the Gulf EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel with the fish trap endorsement to fish such trap. If such vessel has a breakdown that prevents it from retrieving its traps, the owner or operator must immediately notify the nearest NMFS Office of Enforcement and must obtain authorization for another vessel to retrieve and land its traps. The request for such authorization must include the requested effective period for the retrieval and landing, the persons and vessel to be authorized to retrieve the traps, and the point of landing of the traps. Such authorization will be specific as to the effective period, authorized persons and vessel, and point of landing. Such authorization is valid solely for the removal of fish traps from the EEZ and for harvest of fish incidental to such removal.

(3) *South Atlantic EEZ.* A sea bass pot or golden crab trap in the South Atlantic EEZ may be pulled or tended only by a person

(other than an authorized officer) aboard the vessel permitted to fish such pot or trap or aboard another vessel if such vessel has on board written consent of the owner or operator of the vessel so permitted. For golden crab only, a vessel with written consent on board must also possess a valid commercial vessel permit for golden crab.

(b) *Escape mechanisms* -- (1) *Caribbean EEZ*. (i) A fish trap used or possessed in the Caribbean EEZ must have a panel located on each of two sides of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by a panel must measure not less than 8 by 8 inches (20.3 by 20.3 cm). The mesh size of a panel may not be smaller than the mesh size of the trap. A panel must be attached to the trap with untreated jute twine with a diameter not exceeding 1/8 inch (3.2 mm). An access door may serve as one of the panels, provided it is on an appropriate side, it is hinged only at its bottom, its only other fastening is untreated jute twine with a diameter not exceeding 1/8 inch (3.2 mm), and such fastening is at the top of the door so that the door will fall open when such twine degrades. Jute twine used to secure a panel may not be wrapped or overlapped.

(ii) A spiny lobster trap used or possessed in the Caribbean EEZ must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached to the trap by one of the following degradable materials:

(A) Untreated fiber of biological origin with a diameter not exceeding 1/8 inch (3.2 mm). This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk.

(B) Ungalvanized or uncoated iron wire with a diameter not exceeding 1/16 inch (1.6 mm), that is, 16 gauge wire.

(2) *Gulf EEZ*. A fish trap used or possessed in the Gulf EEZ must have at least two escape windows on each of two sides, excluding the bottom (a total of four escape windows), that are 2 by 2 inches (5.1 by 5.1 cm) or larger. In addition, a fish trap must have a panel or access door located opposite each side of the trap that has a funnel. The opening covered by each panel or access door must be 144 in² (929 cm²) or larger, with one dimension of the area equal to or larger than the largest interior axis of the trap's throat (funnel) with no other dimension less than 6 inches (15.2 cm). The hinges and fasteners of each panel or access door must be constructed of one of the following degradable materials:

(i) Untreated jute string with a diameter not exceeding 3/16 inch (4.8 mm) that is not wrapped or overlapped.

(ii) Magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners.

(3) *South Atlantic EEZ*. (i) A sea bass pot that is used or possessed in the South Atlantic EEZ between 35°15.19'&min; N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1'&min; N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL) is required to have --

(A) On at least one side, excluding top and bottom, a panel or door with an opening equal to or larger than the interior end of the trap's throat (funnel). The hinges and fasteners of each panel or door must be made of one of the following degradable materials:

(1) Ungalvanized or uncoated iron wire with a diameter not exceeding 0.041 inches (1.0 mm), that is, 19 gauge wire.

(2) Galvanic timed-release mechanisms with a letter grade designation (degradability index) no higher than J.

(B) An unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom. The minimum dimensions of an escape vent opening (based on inside measurement) are:

(1) 1 1/8 by 5 3/4 inches (2.9 by 14.6 cm) for a rectangular vent.

(2) 1.75 by 1.75 inches (4.5 by 4.5 cm) for a square vent.

(3) 2.0-inch (5.1-cm) diameter for a round vent.

(ii) A golden crab trap that is used or possessed in the South Atlantic EEZ must have at least one escape gap or escape ring on each of two opposite vertical sides. The minimum allowable inside dimensions of an escape gap are 2.75 by 3.75 inches (7.0 by 9.5 cm); the minimum allowable inside diameter of an escape ring is 4.5 inches (11.4 cm). In addition to the escape gaps --

(A) A golden crab trap constructed of webbing must have an opening (slit) at least 1 ft (30.5 cm) long that may be closed (relaxed) only with untreated cotton string no larger than 3/16 inch (0.48 cm) in diameter.

(B) A golden crab trap constructed of material other than webbing must have an escape panel or door measuring at least 11 7/8 by 11 7/8 inches (30.2 by 30.2 cm), located on at least one side, excluding top and bottom. The hinges or fasteners of such door or panel must be made of either ungalvanized or uncoated iron wire no larger than 19 gauge (0.04 inch (1.0 mm) in diameter) or untreated cotton string no larger than 3/16 inch (4.8 mm) in diameter.

(c) *Construction requirements and mesh sizes* -- (1) *Caribbean EEZ*. A bare-wire fish trap used or possessed in the EEZ that has hexagonal mesh openings must have a minimum mesh size of 1.5 inches (3.8 cm) in the smallest dimension measured between centers of opposite strands. A bare-wire fish trap used or possessed in the EEZ that has other than hexagonal mesh openings or a fish trap of other than bare wire, such as coated wire or plastic, used or possessed in the EEZ, must have a minimum mesh size of 2.0 inches (5.1 cm) in the smallest dimension measured between centers of opposite strands.

(2) *Gulf EEZ*. A fish trap used or possessed in the Gulf EEZ must meet all of the following mesh size requirements (based on centerline measurements between opposite wires or netting strands):

(i) A minimum of 2 in² (12.9 cm²) opening for each mesh.

(ii) One-inch (2.5-cm) minimum length for the shortest side.

(iii) Minimum distance of 1 inch (2.5 cm) between parallel sides of rectangular openings, and 1.5 inches (3.8 cm) between parallel sides of square openings and of mesh openings with more than four sides.

(iv) One and nine-tenths inches (4.8 cm) minimum distance for diagonal measures of mesh.

(3) *South Atlantic EEZ*. (i) A sea bass pot used or possessed in the South Atlantic EEZ must have mesh sizes as follows (based on centerline measurements between opposite, parallel wires or netting strands):

(A) Hexagonal mesh (chicken wire) -- at least 1.5 inches (3.8 cm) between the wrapped sides;

(B) Square mesh -- at least 1.5 inches (3.8 cm) between sides; or

(C) Rectangular mesh -- at least 1 inch (2.5 cm) between the longer sides and 2 inches (5.1 cm) between the shorter sides.

(ii) A golden crab trap deployed or possessed in the South Atlantic EEZ may not exceed 64 ft³ (1.8 m³) in volume in the northern zone or 48 ft³ (1.4 m³) in volume in the middle and southern zones. See §622.17(b) for specification of the golden crab zones.

(d) *Area-specific restrictions* -- (1) *Gulf EEZ*. In the Gulf EEZ, a fish trap may be pulled or tended only from official sunrise to official sunset. The operator of a vessel from which a fish trap is deployed in the Gulf EEZ must retrieve all the vessel's fish traps and return them to port on each trip. A fish trap that is not returned to port on a trip, and its attached line and buoy, may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. The owner of such trap and/or the operator of the responsible vessel is subject to appropriate civil penalties. A buoy that floats on the surface must be attached to each fish trap, or to each end trap of traps that are connected by a line, used in the Gulf EEZ. The maximum allowable size for a

fish trap fished in the Gulf EEZ shoreward of the 50-fathom (91.4-m) isobath is 33 ft³ (0.9 m³) in volume. Fish trap volume is determined by measuring the external dimensions of the trap, and includes both the enclosed holding capacity of the trap and the volume of the funnel(s) within those dimensions. There is no size limitation for fish traps fished seaward of the 50-fathom (91.4-m) isobath. The maximum number of traps that may be assigned to, possessed, or fished in the Gulf EEZ by a vessel is 100.

(2) *South Atlantic EEZ.* (i) In the South Atlantic EEZ, sea bass pots may not be used or possessed in multiple configurations, that is, two or more pots may not be attached one to another so that their overall dimensions exceed those allowed for an individual sea bass pot. This does not preclude connecting individual pots to a line, such as a "trawl" or trot line.

(ii) Rope is the only material allowed to be used for a buoy line or mainline attached to a golden crab trap, except that wire cable is allowed for a mainline through December 31, 2002.

[61 FR 34934, July 3, 1996, as amended at 61 FR 43959, Aug. 27, 1996; 62 FR 13988, Mar. 25, 1997; 63 FR 10568, Mar. 4, 1998; 63 FR 38303, July 16, 1998; 63 FR 57590, Oct. 28, 1998; 64 FR 3628, Jan. 25, 1999; 67 FR 22362, May 3, 2002]

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§622.41 Species specific limitations.

(a) *Aquacultured live rock.* In the Gulf or South Atlantic EEZ:

(1) Aquacultured live rock may be harvested only under a permit, as required under §622.4(a)(3)(iii), and aquacultured live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(2) The following restrictions apply to individual aquaculture activities:

(i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(ii) Material deposited on the aquaculture site --

(A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(B) Must be free of contaminants.

(C) Must be nontoxic.

(D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(E) Must be placed from a vessel that is anchored.

(F) In the Gulf EEZ, must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.

(G) In the South Atlantic EEZ, must be geologically distinguishable from the naturally occurring substrate and, in addition, may be indelibly marked or tagged.

(iii) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(3) Mechanically dredging or drilling, or otherwise disturbing, aquacultured live rock is prohibited, and aquacultured live rock may be harvested only by hand. In addition, the following activities are prohibited in the South Atlantic: Chipping of aquacultured live rock in the EEZ, possession of chipped aquacultured live rock in or from the EEZ, removal of allowable octocoral or prohibited coral from aquacultured live rock in or from the EEZ, and possession of prohibited coral not attached to aquacultured live rock or allowable octocoral, while aquacultured live rock is in possession. See the definition of "Allowable octocoral" for clarification of the distinction between allowable octocoral and live rock. For the purposes of this paragraph (a)(3), chipping means breaking up reefs, ledges, or rocks into fragments, usually by means of a chisel and hammer.

(4) Not less than 24 hours prior to harvest of aquacultured live rock, the owner or operator of the harvesting vessel must provide the following information to the NMFS Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone 727-570-5344:

- (i) Permit number of site to be harvested and date of harvest.
- (ii) Name and official number of the vessel to be used in harvesting.
- (iii) Date, port, and facility at which aquacultured live rock will be landed.

(b) *Caribbean reef fish*. A marine aquarium fish may be harvested in the Caribbean EEZ only by a hand-held dip net or by a hand-held slurp gun. For the purposes of this paragraph, a hand-held slurp gun is a device that rapidly draws seawater containing fish into a self-contained chamber, and a marine aquarium fish is a Caribbean reef fish that is smaller than 5.5 inches (14.0 cm), TL.

(c) *Coastal migratory pelagic fish* -- (1) *Authorized gear*. Subject to the prohibitions on gear/methods specified in §622.31, the following are the only fishing gears that may be used in the Gulf, Mid-Atlantic, and South Atlantic EEZ in directed fisheries for coastal migratory pelagic fish:

(i) King mackerel, Atlantic migratory group --

(A) North of 34°37.3' N. lat., the latitude of Cape Lookout Light, NC -- all gear except drift gillnet and long gillnet.

(B) South of 34°37.3' N. lat. -- automatic reel, bandit gear, handline, and rod and reel.

(ii) King mackerel, Gulf migratory group -- hook-and-line gear and, in the southern Florida west coast subzone only, run-around gillnet. (See §622.42(c)(1)(i)(A)(3) for a description of the southern Florida west coast subzone.)

(iii) Spanish mackerel, Atlantic migratory group -- automatic reel, bandit gear, handline, rod and reel, cast net, run-around gillnet, and stab net.

(iv) Spanish mackerel, Gulf migratory group -- all gear except drift gillnet, long gillnet, and purse seine.

(v) Cobia in the Mid-Atlantic and South Atlantic EEZ, dolphin in the South Atlantic EEZ, and little tunny in the South Atlantic EEZ south of 34°37.3' N. lat. -- automatic reel, bandit gear, handline, rod and reel, and pelagic longline.

(vi) Cero in the South Atlantic EEZ and little tunny in the South Atlantic EEZ north of 34°37.3' N. lat. -- all gear except drift gillnet and long gillnet.

(vii) Bluefish, cero, cobia, dolphin, and little tunny in the Gulf EEZ -- all gear except drift gillnet and long gillnet.

(2) *Unauthorized gear*. Gear types other than those specified in paragraph (c)(1) of this section are unauthorized gear and the following possession limitations apply:

public access to official documents pursuant to the Freedom of Information Act, 5 U.S.C. 552a.

§ 230.26 Do these rules affect the service of process requirements of the Federal Rules of Civil Procedure (28 U.S.C. Appendix)?

No, the rules in subpart B in no way modify the requirements of the Federal Rules of Civil Procedure regarding service of process.

§ 230.27 Do these rules create any right or benefit enforceable by a party against the Postal Service?

No, subpart B is intended to provide instructions to Office of Inspector General employees and members of the public. It does not create any right or benefit, substantive or procedural, enforceable by any party against the Office of Inspector General or the Postal Service.

Stanley F. Mires,
Chief Counsel, Legislative.

[FR Doc. 03-24619 Filed 10-2-03; 8:45 am]

BILLING CODE 7710-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 030430107-3236-02; I.D. 040703A]

RIN 0648-AN87

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Pelagic Sargassum Habitat of the South Atlantic Region

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the Fishery Management Plan for Pelagic Sargassum Habitat of the South Atlantic Region (FMP). This final rule limits the harvest or possession of pelagic sargassum in or from the exclusive economic zone (EEZ) off the southern Atlantic states to 5,000 lb (2,268 kg) annually, restricts fishing for pelagic sargassum in the South Atlantic EEZ to an area no less than 100 nautical miles offshore of North Carolina and to the months of November through June, requires vessel owners or operators to accommodate NMFS-approved observers on all pelagic sargassum fishing trips, and restricts the

mesh and frame sizes of nets used to harvest pelagic sargassum. The FMP also defines the management unit, maximum sustainable yield (MSY), optimum yield (OY), and overfishing parameters. In addition, NMFS informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this final rule and publishes the OMB control numbers for those collections. The intended effects are to conserve and manage pelagic sargassum and to protect essential fish habitat.

DATES: This final rule is effective November 3, 2003.

ADDRESSES: Copies of the final regulatory flexibility analysis (FRFA) may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Robert Sadler, Southeast Region, NMFS, at the above address, and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, phone: 727-570-5305, fax: 727-570-5583, e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The South Atlantic Fishery Management Council (SAFMC) prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On April 17, 2003, NMFS announced the availability of the FMP and requested comments on it (68 FR 18942). NMFS published a proposed rule to implement the FMP and requested comments on the proposed rule through June 30, 2003 (68 FR 32450, May 30, 2003). NMFS partially approved the FMP on July 11, 2003; the designation of essential fish habitat (EFH), EFH-habitat areas of particular concern (EFH-HAPCs), and the estimate of maximum fishing mortality threshold (MFMT) were disapproved. The rationale for the measures in the FMP is provided in the preamble to the proposed rule and is not repeated here.

Comments and Responses

NMFS received 22 letters on the FMP and proposed rule. Of those, 18 were in general support of the actions identified in the FMP, 2 were opposed, and 2 letters focused on future research needs regarding the role of pelagic sargassum as habitat in the open ocean

environment. A summary of those comments and NMFS's responses are provided below.

Comment 1: Sargassum is extremely important habitat for a variety of marine species. NMFS is urged to approve this FMP and its implementing regulations, which would limit the harvest of sargassum and protect the resource as essential fish habitat (EFH) and EFH habitat areas of particular concern (EFH-HAPC).

Response: NMFS recognizes the importance of sargassum as EFH for managed species, and sargassum's general importance as habitat in the open ocean environment. NMFS has partially approved the FMP, and regulations implemented through this rule will prohibit the harvest of sargassum south of 34° N. lat. in the SAFMC's area of jurisdiction, and restrict the allowable harvest to 5,000 lb (2,268 kg) annually from waters greater than 100 nautical miles offshore of the North Carolina coast. These actions are intended to provide protection to sargassum habitat, which is designated as EFH for snappers, groupers, and coastal migratory pelagic fishes, and is known to be used by threatened and endangered sea turtles and large quantities of other marine life.

Comment 2: Because of the importance of sargassum as habitat, and its designation as EFH and HAPC for several managed finfish species, all harvest of sargassum should be prohibited.

Response: NMFS previously informed the SAFMC that there was insufficient justification to prohibit all harvest of sargassum. Section 303(a)(7) of the Magnuson-Stevens Act requires that the Councils minimize to the extent practicable adverse effects on EFH caused by fishing, but clearly this does not, in every instance, preclude some loss or damage to EFH from fishing impacts. Given the suggested standing crop of sargassum is 9 to 24 billion lbs (4 to 11 million mt) and there has been a documented harvest of 448,000 lb (203 mt) over a 22-year period, NMFS determined that the administrative record does not provide sufficient evidence that there has been an adverse impact on sargassum as EFH, or that harvest should be prohibited.

Comment 3: Quantities of sargassum found off of the east coast of Florida have declined in recent years. The ongoing harvest of sargassum is detrimental to Florida's offshore fisheries and should not be allowed.

Response: Given that sargassum is dispersed northward from the Sargasso Sea to the north Atlantic Ocean via the Gulf Stream and prevailing winds,

NMFS does not believe that the intermittent and limited harvest of sargassum off North Carolina between 1976 and 1997 affected the quantities of sargassum occurring off of more southerly coastlines. NMFS is unaware of any harvest of sargassum in the South Atlantic EEZ during the last 6 years (see also Comment 5). The abundance and density of sargassum off Florida would more likely be affected by changes in local currents and prevailing winds, such as occurred during the El Nino events of 1998 and 2002. Nevertheless, NMFS agrees that sargassum is important habitat to numerous fishes, and many fisheries operate by fishing near sargassum habitat. Regulations implemented by the promulgation of this rule will prohibit the harvest of any sargassum except from areas more than 100 nautical miles from shore off North Carolina.

Comment 4: Excessive quantities of sargassum impede navigation for the U.S. Navy, Coast Guard and merchant marine vessels, clogging cooling water intake ports. Given these issues, there does not appear to be a need to restrict or prohibit harvest. The total 22-year harvest of 448,000 lb (203 mt) is minuscule compared to the potential of the sargassum standing stock to increase its biomass by as much as 1 to 2.4 billion lb (0.4 to 1.1 million mt) within a few day's time.

Response: NMFS agrees that the biological potential for growth of sargassum makes it a highly renewable natural resource. Nevertheless, NMFS agrees with the SAFMC regarding the benefits of maintaining adequate quantities of sargassum as habitat for numerous marine species, including sea turtles, in an environment that is otherwise devoid of much structure and protective habitat. In addition, limiting harvest to areas offshore of North Carolina, during time periods when turtles and other marine life are expected to be least abundant in the sargassum, is intended to reduce the potential incidental capture and mortality of these species.

Comment 5: Allowing a harvest of 5,000 lb (2,268 kg) wet weight or 500 lb (227 kg) dry weight of sargassum per year would put the one known processing firm out of business. The firm is currently processing twice that amount in a month's time, and anticipates an expansion of its sales that would require an annual harvest of 240,000 lb (108.9 mt) wet weight annually. Additionally, very little sargassum is found off North Carolina from November through June, thus year-round harvest would provide the firm with the flexibility to select times when

sargassum was most abundant and weather conditions were conducive to taking a vessel offshore.

Response: NMFS and the SAFMC were unaware that the one known processing firm was actively engaged in processing sargassum until the firm submitted these comments. NMFS and the SAFMC were under the impression that no harvesting activity had occurred since 1997. The SAFMC's choices for optimum yield (OY) and total allowable catch (TAC) were based on average annual harvest levels from the most recent data available. To ensure that the SAFMC's proposed actions, and NMFS' decisions, were based on the best available information, NMFS contacted the firm's owner to request updated information regarding the harvest of sargassum in the SAFMC's area of jurisdiction.

The owner reported that the firm was not actively fishing for sargassum; the firm's fishing vessel had been sold. The firm was purchasing sargassum from vendors who had harvested the product from areas outside the SAFMC's area of jurisdiction. According to the firm's comment letter, its current monthly use of 10,000 lb (4.54 mt) wet weight of sargassum is approximately half its historical (1976–1997) average annual harvest. Therefore, it appears that the proposed harvesting restrictions would not affect the firm's opportunity to continue its operations. There is no information available to evaluate the firm's current mode of operation of buying raw product compared to purchasing and operating its own vessel to harvest sargassum.

Comment 6: Some of the preferred alternatives identified in the FMP, if modified to include additional considerations, would better address the conservation and management of sargassum.

Response: The Magnuson-Stevens Act, at Section 304(a)(3), provides the Secretary of Commerce (Secretary), or NMFS as the Secretary's designee, with the authority to approve, disapprove, or partially approve the preferred alternative in any FMP or FMP amendment submitted by a fishery management council. The Secretary does not have discretionary authority to select a rejected alternative, or develop a substitute alternative, for approval and implementation.

Comment 7: Several scientific studies have documented the use of sargassum by various forms of marine life, including sea turtles. NMFS is encouraged to develop better estimates of densities of sea turtle neonates in sargassum habitat. Additional questions that need to be addressed include: What

quantity of harvest is acceptable, and what is too much? What seasons are least disruptive in regards to the use of sargassum by the various life stages of finfish and invertebrate species that associate with sargassum? The decision to establish a fishing season appears to be based entirely on an assumption of post-hatchling turtle utilization of the habitat, without accounting for seasonal use of sargassum as a nursery ground by numerous fish species.

Response: NMFS acknowledges that there is a paucity of data regarding the abundance of turtles in sargassum habitat. Several studies, mostly focusing on the western edge of the Gulf Stream, have reported numbers of turtles seen during transect surveys, giving a rough estimate of densities of turtles along this western boundary. The western boundary would be the area that hatchling turtles first encounter during their migration from the nesting beach. Thus, it is likely that densities may decrease toward the eastern Gulf Stream boundary and beyond into the open ocean realm. The FMP notes (page 18) that "Regional trends in the mean abundance of and biomass of young fish show a decrease in abundance across the continental shelf and into the Gulf Stream and Sargasso Sea, and a decrease from spring through fall. Species richness is generally highest on the outer shelf during spring and summer and further offshore during the fall and winter." This same kind of distribution can be assumed for sea turtles as well. To that end, this final rule will prohibit the harvest of sargassum within 100 nautical miles of shore off North Carolina, and during the spring through fall period. The intent of this restriction is to limit the interaction with bycatch during harvesting efforts. The gear restrictions imposed by this final rule are intended to limit those impacts; harvesting nets must be constructed of 4-inch (10.2-cm) stretch mesh or larger fitted to a frame no larger than 4 ft by 6 ft (1.3 m by 2.0 m), which should allow many organisms to escape.

Classification

This final rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an FRFA, based on the Regulatory Impact Review, for this final rule. A summary of the FRFA follows:

The Magnuson-Stevens Act provides the statutory basis for this final rule. The objectives of the FMP are: establish a management structure to manage sargassum habitat; reduce the impact of the sargassum fishery on essential fish habitat; reduce the potential for conflict;

and direct needed research to better determine distribution, production, and ecology of sargassum habitat. The final rule prohibits all harvest and possession of sargassum from the South Atlantic EEZ south of 34° N. lat., the latitude line representing the North Carolina/South Carolina border; prohibits all harvest of sargassum from the South Atlantic EEZ within 100 nautical miles of shore between 34° N. lat. and the latitude line representing the North Carolina/Virginia border; limits harvest of sargassum from the South Atlantic EEZ to the months of November through June; establishes an annual total allowable catch (TAC) of 5,000 lbs (2,268 kg) landed wet weight; requires that a NMFS-approved observer be present on each sargassum harvesting trip; and requires that nets used to harvest sargassum be constructed of 4-inch (10.2-cm) stretch mesh or larger fitted to a frame no longer than 4 ft by 6 ft (1.3 m by 2.0 m). This action is being considered because sargassum harvest represents removal of essential fish habitat or important developmental or foraging habitat for other federally managed species including threatened/endangered sea turtles; no management structure exists to protect sargassum; potential conflicts could arise if harvest occurs where recreational fishing is occurring; and limited information on distribution, production, and ecology of sargassum exists. The rule establishes strict limits on allowable harvest of sargassum.

This final rule will require an observer on board the vessel to monitor harvest of sargassum and associated bycatch. No other projected reporting, record keeping or other compliance requirements are proposed. No duplicative, overlapping or conflicting Federal rules have been identified.

No directed fishery for sargassum currently exists in the South Atlantic. Therefore, no small business entities will be impacted by this final rule. One small business entity was a historical participant in the fishery. This firm harvested an average annual harvest of 14,333 lb (6,501 kg) wet weight (1995–1997 average harvest), valued at \$43,000 per year, and employed three persons on a full-time basis and other workers on a part-time basis as needed. A total of 52 trips were made between 1976 and 1997 resulting in the harvest of 448,000 lb (203,209 kg) wet weight (44,800 lb (20,321 kg) dry weight) of sargassum. Harvest peaked at 200,000 lb (90,718 kg) wet weight in 1990. The average harvest over the entire 1976–1997 harvest period was 8,615 lb (3,908 kg) wet weight per trip. Harvest was conducted either through contract with commercial finfish fishing vessels that harvested

sargassum in conjunction with their regular fishing trip, or through the use of a converted 63-ft (19.2-m) snapper-grouper vessel acquired to conduct directed harvest trips. No information on harvesting or processing costs is available. Since a small business entity in the commercial fishery is defined as a firm that has annual gross receipts not in excess of \$3.5 million, the historical firm, had it remained in the fishery, would be classified as a small business entity. However, no harvest by this firm or any other business entity has been recorded since 1997. The sole historical participant in the fishery has maintained the processing side of the business operation through the purchase of product from vendors harvesting outside the SAFMC's area of jurisdiction. There is no known harvest, therefore, within the SAFMC's area of jurisdiction that would be adversely impacted.

No significant issues were raised by public comments in response to the IRFA. Therefore, no changes were made in the final rule as a result of such comments.

The determination of significant economic impact can be ascertained by examining two criteria, disproportionality and profitability. The disproportionality question is: Will the regulations place a substantial number of small business entities at a significant competitive disadvantage to large business entities? Since no directed fishery for sargassum currently exists, no business entities, large or small, currently participate in the fishery. The sole historical participant, however, qualified as a small business entity. Since no participants in the fishery currently exist, and the sole historical participant was a small business entity, the issue of disproportionality does not arise.

The profitability question is: Will the regulations significantly reduce profit for a substantial number of small entities? Since no directed fishery for sargassum currently exists, the regulations do not significantly reduce profit for a substantial number of small entities. Had the sole historical participant in the fishery continued operation and been dependent upon product harvested from areas within the Council's jurisdiction, the allowable TAC would have reduced average harvest and revenues by 65 percent, from 14,333 lb (6,501 kg) wet weight (1995–1997 average harvest) to 5,000 lb (2,268 kg), valued at from \$43,000 to \$15,000. Although profit figures are not available, it is obvious that the reduction in profit would also be significant. However, as previously

stated, no directed fishery exists, so no reduction in profits will occur for any small business entities.

Since there is no directed fishery for sargassum, this final rule does not generate any negative economic impacts on small entities. Therefore, the issue of significant alternatives to mitigate economic impacts is not relevant. However, in the event that directed harvest is attempted, only the harvest restrictions will result in direct economic impacts. The harvest restrictions are not believed to be sufficient to allow sustained participation in a directed fishery for sargassum since the allowable harvest is only 5,000 lb (2,268 kg) wet weight per year. Two other alternatives, allowing no harvest and prohibiting harvest after January 1, 2001, would similarly not support sustained participation in the fishery and are, therefore, not relevant significant alternatives in that they would not mitigate the negative economic impacts of the proposed rule.

The no action alternative and an alternative establishing the TAC at 100,000 metric tons wet weight would allow unrestricted harvest. Additional alternatives would specify TAC at 20,000 lb (9,072 kg) wet weight and 200,000 lb (90,718 kg) wet weight, which would allow harvests greater than the historic average harvest per year (8,615 lb (3,908 kg) wet weight for 1976–1997 or 14,333 lb (6,501 kg) wet weight for 1995–1997). Any of these alternatives would, therefore, eliminate all negative economic impacts on a directed fishery. These alternatives, however, are inconsistent with the Council's intent to both discontinue unregulated harvest of sargassum and limit expansion of a sargassum fishery. The Council concluded that severe limitation on harvest is likely to increase the productivity of marine life in the ecosystem and, thus, increase consumptive, non-consumptive, and indirect (value to other species as habitat) use values. Furthermore, the Council concluded that maintaining these consumptive, non-consumptive, and indirect use benefits greatly outweigh the costs resulting from severely limiting harvest. In addition, there was overwhelming public support for a measure to prohibit the directed harvest of sargassum.

Copies of the FRFA are available upon request (see **ADDRESSES**).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that

collection of information displays a currently valid OMB control number.

This final rule contains the collection-of-information requirements subject to review and approval by OMB under the PRA. These requirements have been approved by OMB under OMB control number 0648–0205 for notification prior to a fishing trip and OMB control number 0648–0358 for vessel identification requirements. The public reporting burden is estimated to be 45 minutes per vessel for vessel identification requirements and 5 minutes for notification prior to a trip, per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates, or any other aspects of the collections of information, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 29, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.1, table 1, the following entry is added in alphabetical order to read as follows:

§ 622.1 Purpose and scope.

* * * * *

TABLE 1.—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
* * *	* * *	* * *
FMP for Pelagic Sargassum Habitat of the South Atlantic Region.	SAFMC	South Atlantic

TABLE 1.—FMPs IMPLEMENTED UNDER PART 622—Continued

FMP title	Responsible fishery management council(s)	Geographical area
* * *	* * *	* * *

■ 3. In § 622.2, the definition of “Pelagic sargassum” is added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Pelagic sargassum means the species *Sargassum natans* or *S. fluitans*, or a part thereof.

* * * * *

■ 4. In § 622.6, paragraph (a)(1)(i) introductory text is revised to read as follows:

§ 622.6 Vessel and gear identification.

(a) * * *

(1) * * *

(i) *Official number.* A vessel for which a permit has been issued under § 622.4, and a vessel that fishes for or possesses *pelagic sargassum* in the South Atlantic EEZ, must display its official number—

* * * * *

■ 5. In § 622.8, paragraphs (a), (b) introductory text, and (c) introductory text are revised to read as follows:

§ 622.8 At-sea observer coverage.

(a) *Required coverage*—(1) *Pelagic sargassum.* A vessel that harvests or possesses pelagic sargassum on any trip in the South Atlantic EEZ must carry a NMFS-approved observer.

(2) *Golden crab.* A vessel for which a Federal commercial permit for golden crab has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

(b) *Notification to the SRD.* When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

* * * * *

(c) *Observer accommodations and access.* An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

* * * * *

■ 6. In § 622.35, paragraph (g) is added to read as follows:

§ 622.35 South Atlantic EEZ seasonal and/or area closures.

* * * * *

(g) *Pelagic sargassum area and seasonal restrictions*—(1) *Area*

limitations. (i) No person may harvest pelagic sargassum in the South Atlantic EEZ between 36°34'55" N. lat. (directly east from the Virginia/North Carolina boundary) and 34° N. lat., within 100 nautical miles east of the North Carolina coast.

(ii) No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ south of 34° N. lat.

(2) *Seasonal limitation.* No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ during the months of July through October. This prohibition on possession does not apply to pelagic sargassum that was harvested and landed ashore prior to the closed period.

■ 7. In § 622.41, paragraph (k) is added to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(k) *Pelagic sargassum.* The minimum allowable mesh size for a net used to fish for pelagic sargassum in the South Atlantic EEZ is 4.0 inches (10.2 cm), stretched mesh, and such net must be attached to a frame no larger than 4 ft by 6 ft (1.2 m by 1.8 m). A vessel in the South Atlantic EEZ with a net on board that does not meet these requirements may not possess any pelagic sargassum.

■ 8. In § 622.42, paragraph (g) is added to read as follows:

§ 622.42 Quotas.

* * * * *

(g) *Pelagic sargassum.* The quota for all persons who harvest pelagic sargassum in the South Atlantic EEZ is 5,000 lb (2,268 kg), wet, landed weight. See § 622.35(g)(1) for area limitations on the harvest of pelagic sargassum.

■ 9. In § 622.43, paragraph (a)(7) is added and paragraph (b)(2) is revised to read as follows:

§ 622.43 Closures.

* * * * *

(a) * * *

(7) *Pelagic sargassum.* Pelagic sargassum may not be fished for or possessed in the South Atlantic EEZ and the sale or purchase of pelagic sargassum in or from the South Atlantic EEZ is prohibited.

* * * * *

(b) * * *

(2) The prohibition on sale/purchase during a closure for allowable octocoral in paragraph (a)(2) of this section or for pelagic sargassum in paragraph (a)(7) of this section does not apply to allowable octocoral or pelagic sargassum that was

harvested and landed ashore prior to the effective date of the closure.

* * * * *

[FR Doc. 03-25149 Filed 10-2-03; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 030721177-3234-02; I.D. 060903C]

RIN A648-AQ96

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement the annual harvest guideline for Pacific mackerel in the exclusive economic zone off the Pacific coast. The Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and its implementing regulations require NMFS to set an annual harvest guideline for Pacific mackerel based on the formula in the FMP. This action adopts allowable harvest levels for Pacific mackerel off the Pacific coast.

DATES: Effective November 3, 2003.

ADDRESSES: The report *Stock Assessment of Pacific Mackerel with Recommendations for the 2003-2004 Management Season* may be obtained from Rodney R. McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802. An environmental assessment/regulatory impact review/final regulatory flexibility analysis (FRFA) may be obtained at this same address.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, (562) 980-4036.

SUPPLEMENTARY INFORMATION: The CPS FMP, which was implemented by publication of the final rule in the *Federal Register* on December 15, 1999 (64 FR 69888), divides management unit species into the categories of actively managed and monitored. Harvest guidelines of actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Biomass estimates

are not calculated for species that are only monitored (jack mackerel, northern anchovy, and market squid).

At a public meeting each year, the biomass for each actively managed species is reviewed by the Pacific Fishery Management Council's (Council) CPS Management Team (Team). The biomass, harvest guideline, and status of the fisheries are then reviewed at a public meeting of the Council's CPS Advisory Subpanel (Subpanel). This information is also reviewed by the Council's Scientific and Statistical Committee (SSC). The Council reviews reports from the Team, Subpanel, and SSC, then, after providing time for public comment, makes its recommendations to NMFS. The annual harvest guideline and season structure is published by NMFS in the *Federal Register* as soon as practicable before the beginning of the appropriate fishing season. The Pacific mackerel season begins on July 1 of each year and ends on June 30 the following year.

The Team and Subpanel meetings took place at the NMFS Southwest Regional Office in Long Beach, CA on May 21, 2003 (68 FR 23703, May 5, 2003). The SSC meeting took place in conjunction with the June 16-20, 2003, Council meeting in Foster City, CA.

A modified virtual population analysis stock assessment model is used to estimate the biomass of Pacific mackerel. The model employs both fishery dependent and fishery independent indices to estimate abundance. The biomass was calculated through the end of 2002, then estimated for the fishing season that begins July 1, 2003, based on: (1) the number of Pacific mackerel estimated to comprise each year class at the beginning of 2003, (2) modeled estimates of fishing mortality during 2002, (3) assumptions for natural and fishing mortality through the first half of 2003, and (4) estimates of age-specific growth. Based on this approach, the biomass for July 1, 2003, is 68,924 metric tons (mt). Applying the formula in the FMP results in a harvest guideline of 10,652 mt, which is lower than last year but similar to low harvest guidelines of recent years.

The formula in the FMP uses the following factors to determine the harvest guideline:

1. *The biomass of Pacific mackerel.* For 2003, this

estimate is 68,924 mt.

2. *The cutoff.* This is the biomass level below which no commercial fishery is allowed. The FMP established the cutoff level at 18,200 mt. The cutoff is subtracted from the biomass, leaving 50,724 mt.

3. *The portion of the Pacific mackerel biomass that is in U.S. waters.* This estimate is 70 percent, based on the historical average of larval distribution obtained from scientific cruises and the distribution of the resource obtained from logbooks of fish-spotters. Therefore, the harvestable biomass in U.S. waters is 70 percent of 50,724 mt, that is, 35,507 mt.

4. *The harvest fraction.* This is the percentage of the biomass above 18,200 mt that may be harvested. The FMP established the harvest fraction at 30 percent. The harvest fraction is multiplied by the harvestable biomass in U.S. waters (35,507 mt), which results in 10,652 mt.

Information on the fishery and the stock assessment are found in the report *Stock Assessment of Pacific Mackerel with Recommendations for the 2003-2004 Management Season*, which may be obtained at the address above (see **ADDRESSES**).

Following recommendations of the fishing industry and Subpanel for the 2002/2003 fishing season, NMFS established (1) a 9,500-mt directed fishery for Pacific mackerel beginning July 1, 2002, and (2) an incidental allowance of 40 percent of Pacific mackerel in landings of any CPS, which would be imposed only if the 9,500 mt were harvested. A 1-mt landing of Pacific mackerel per trip would have been allowed if no other CPS (northern anchovy, Pacific sardine, jack mackerel, market squid) were landed during a trip. NMFS implemented a directed and incidental fishery last season in response to concerns about how a low harvest guideline for mackerel might interfere with the sardine fishery. Pacific mackerel is often caught with sardine; therefore, mackerel might have to be discarded, which would increase bycatch of mackerel. As of June 30, 2003, the end of the 2002/2003 fishing season, only 3,884 mt of Pacific mackerel had been landed in the directed fishery; therefore, imposition of an incidental allowance was not necessary.

At its meeting on May 21, 2003, the Subpanel recommended for the 2003/2004 fishing season implementation of a 7,500-mt directed fishery, leaving the remaining 3,152 mt in the event of an incidental fishery. An incidental allowance of 40 percent of Pacific mackerel in landings of any CPS would become effective only after 7,500 mt of Pacific mackerel is estimated to have been harvested. The Subpanel also recommended to allow 1 mt of mackerel to be landed per trip by any fishing vessel during the incidental fishery without landing any other CPS. The

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

E. Effective Date of Revocation

As reflected in section III.B, the Department anticipates that, on the date the application for the changed circumstance review is filed ("application date"), the reforms of the provincial timber sales system will be in place and operating so as to ensure that the province receives adequate remuneration. Accordingly, if the Department determines, as a result of the review, that revocation of the order with respect to the province is warranted, the Department will normally order revocation of the countervailing duty order with respect to all unliquidated entries of the subject merchandise produced in the province from timber harvested in the province that is entered, or withdrawn from warehouse, on or after the application date. If, however, reforms necessary to demonstrate a market-based timber sales program are not in effect or operational at the time of a province's application date, the Department may alter the effective date of the revocation to reflect the date on which such reforms took effect during the period of the changed circumstance review.

[FR Doc. 03-15931 Filed 6-23-03; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Government Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology Commerce.

ACTION: Notice of government owned inventions available for licensing.

SUMMARY: The invention listed below is owned in whole by the U.S. Government, as represented by the Department of Commerce. The invention will be available for licensing beginning July 1, 2003, in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Mary Clague, Building 820, Room 213, Gaithersburg, MD 20899. Information is also available via telephone: 301-975-4188, fax 301-869-2751, or e-mail: mary.clague@nist.gov. Any request for information should include the NIST Docket number and title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: NIST may enter into a Cooperative Research and Development Agreement ("CRADA") with the licensee to perform further

research on the inventions for purposes of commercialization. The invention available for licensing beginning July 1, 2003 is:

[Docket No.: 94-042US]

Title: Optical Trap For Detection and Quantitation Of Subzeptomolar Quantities of Analytes.

Abstract: Tightly focused beams of laser light are used as "optical tweezers" to trap and manipulate polarizable objects such as microspheres of glass or latex with diameters on the order of 4.5 micrometers. When analytes are allowed to adhere to the microspheres, small quantities of these analytes can be manipulated, thus allowing their detection and quantitation even when amounts and concentrations of the analytes are extremely small. Illustrative examples include measuring the strength needed to break antibody-antigen bonds and the detection of DNA sequences.

Dated: June 17, 2003.

Karen H. Brown,

Deputy Director.

[FR Doc. 03-15872 Filed 6-23-03; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of Public Meeting of the National Conference on Weights and Measures

SUMMARY: Notice is hereby given that the annual meeting of the National Conference on Weights and Measures will be held July 13 through July 17, 2003, at the John Ascuaga's Nugget Hotel, Sparks, Nevada. This meeting is open to the public. The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States, and private sector representatives. The annual meeting of the Conference brings together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subjects that related to the field of weights and measures technology and administration. Pursuant to (15 U.S.C. 272 (b) (6)), the National Institute of Standards and Technology supports the National Conference on Weights and Measures in order to promote uniformity among the States in the complexity of laws, regulations, methods, and testing equipment that

comprises regulatory control by the States of commercial weighing and measuring.

DATES: July 13-17, 2003.

ADDRESSES: John Ascuaga's Nugget Hotel, Sparks, Nevada.

FOR FURTHER INFORMATION CONTACT: Henry V. Oppermann, Chief, NIST, Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899-2600. Telephone (301) 975-4004, or email: owm@nist.gov.

Dated: June 17, 2003.

Karen H. Brown,

Deputy Director.

[FR Doc. 03-15873 Filed 6-23-03; 8:45 am]

BILLING CODE 3510-CN-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061803F]

Proposed Information Collection; Comment Request; Southeast Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 25, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Sadler, (727)570-5326 or Robert.Sadler@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Participants in federally regulated fisheries are required to obtain Federal fishing permits. Certain permit actions may be appealed. Permitted vessels are also required to provide certain

notifications prior to trips or other specified actions. Coupons are required in the wreckfish fishery to track Individual Transferable Quotas.

NOAA needs information from the applications for the identification of fishing vessels and dealers and the management of the fisheries. Use of permits also aids in enforcement of fishery regulations.

II. Method of Collection

Notifications are made by telephone. Applications and other documentation must be submitted in paper form.

III. Data

OMB Number: 0648-0205.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individual or households.

Estimated Number of Respondents: 10,500.

Estimated Time Per Response: 20 minutes for a vessel permit or an aquacultured live rock site permit; 2 hours for additional moratorium permit application documentation in the reef fish/coastal migratory pelagic charter fisheries; 5 minutes for a dealer permit; 2 hours for a stone crab permit appeal; 45 minutes for an aquacultured live rock site evaluation form; 15 minutes for a notification/authorization for trap retrieval; 5 minutes for other notifications; 5 minutes for a coupons for tracking an Individual Transferable Quota in the wreckfish fishery; 5 hours for a permit appeal in the reef fish and coastal migratory pelagic moratorium fisheries; and 5 hours for a commercial vessel permit documentation in the stone crab fishery.

Estimated Total Annual Burden Hours: 15,434.

Estimated Total Annual Cost to Public: \$1,222,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 17, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-15947 Filed 6-23-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061803G]

Proposed Information Collection; Comment Request; Southeast Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 25, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to John Poffenberger at 305-361-4263, ext. 263, or at John.Poffenberger@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Participants in most Federally-managed fisheries in the Southeast Region are currently required to keep and submit catch and effort logbooks from their fishing trips. A subset of these vessels also provide information on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the vessel's fishing gear. Participants in the Atlantic

snapper-grouper and mackerel fisheries are required to submit information about dockside prices, trip operating costs, and annual fixed costs.

The data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations. Interaction reports are needed for fishery management planning and to help protect endangered species and marine mammals. Price and cost data will be used in analyses of the economic effects of proposed regulations.

II. Method of Collection

The information is submitted on paper forms. Logbooks are completed daily and submitted on either a by trip or monthly basis, depending on the fishery. Fixed costs are submitted on an annual basis. Other information is submitted on a trip basis.

III. Data

OMB Number: 0648-0016.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 3,925.

Estimated Time Per Response: 20 minutes for a catch and effort report for the Columbian waters fishery; 10 minutes for logbook trip reports in other fisheries; 2 minutes for a negative catch and effort or logbook trip report; 12 minutes for a headboat logbook in the Gulf of Mexico reef fish and coastal migratory pelagic fisheries and the South Atlantic snapper-grouper fishery; 15 minutes for an aquacultured live rock logbook report; 10 minutes for a trip operating cost survey in the snapper-grouper and mackerel fisheries; 30 minutes for an annual fixed-cost economic surveys in the same fisheries; 10 minutes for cost data in the swordfish fishery; and 15 minutes for a discard and marine mammal/bird/sea turtle interaction report from the 20% sample of fishermen selected.

Estimated Total Annual Burden Hours: 14,086.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the